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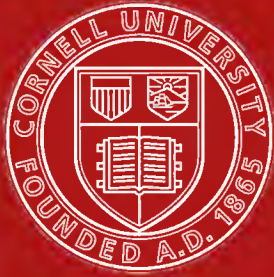
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(SECOND SERIES)

SELECTIONS

FROM THE

udicial ecords
of
Kenfrewshire.

ILLUSTRATIVE OF THE
ADMINISTRATION OF THE LAWS IN THE COUNTY,
AND
MANNERS AND CONDITION OF THE INHABITANTS,
IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES.

WITH NOTES INTRODUCTORY AND EXPLANATORY,
FAC-SIMILES OF OLD DOCUMENTS,
AND PLAN OF PAISLEY—1490 TILL ABOUT 1545.

BY WILLIAM HECTOR,
SHERIFF-CLERK.



PAISLEY:
J. & J. COOK, 3 MOSS STREET.
1878.

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J. AND J. COOK, STEAM PRINTERS, PAISLEY.

Dedication.

TO SIR WILLIAM STIRLING MAXWELL, BART.,

Of Keir and Pollok, M.P., LL.D.,

&c., &c.,

Eminent as a Legislator and Author and for his valuable public services on several Royal Commissions of enquiry into matters affecting Education and other important National interests, and the Representative of the oldest and one of the most distinguished Families in Renfrewshire, this Volume is, by permission, respectfully dedicated.

* * * WHEN this Volume was passing through the Press, Sir WILLIAM STIRLING MAXWELL, to whom it is dedicated, died at Venice, on the 15th January last.

In one of a series of letters to the author, Sir WILLIAM says,—“ I have been reading your *Judicial Records of Renfrewshire* with very great pleasure, and now offer you my thanks for the instruction and amusement they have afforded me ;” and in another, “ I will have much pleasure in the connection of my name with the second volume, in which you do me the honour of proposing to inscribe it.” From the interest thus taken by Sir WILLIAM STIRLING MAXWELL in the publication of the *Renfrewshire Records*, as well as for other personal reasons, the author has much cause deeply to deplore his loss.

Sir WILLIAM STIRLING MAXWELL’s wise and liberal conduct and opinions as a statesman, secured to him much deserved influence in Parliament, where he long represented his native county of Perth. By his death, Scotland has lost its foremost literary man, a most munificent patron of art, and warm and most sincere advocate of the cause of education.

In his more private relations he was kind and always accessible, an excellent landlord, and an intelligent and successful agriculturalist. To all matters of local interest he was ever ready to give his personal attention and sound advice.

He represented the two ancient and influential families of KEIR and POLLOK ; and his public services, recognised and rewarded by his Sovereign, were by his countrymen and the Government highly estimated and gratefully acknowledged.

THE AUTHOR.

March, 1878.



P R E F A C E .

IN the Record Rooms of the various Counties in Scotland, for the reception of Judicial Records for preservation and reference, there is an unwrought mine of valuable and interesting documents, embracing the elements of National and Local History, which have been accumulating since 1748, when the Sheriffs of Counties came, by the Act of George II. abolishing Heritable Jurisdictions in Scotland, to be appointed directly by and made responsible to the Crown. By that Act, the whole Judicial Records of the Courts of the Heritable Sheriffs and Baillies of Barony thereby abolished were also directed to be transferred to the custody of the Sheriffs appointed under it, and in many cases this provision of the statute was fulfilled.

From the absence of sufficient accommodation, however, or through want of due appreciation of their value, these older Records, as well as the Records of the Sheriff Courts since accumulated, have, in many Counties, been improperly and carelessly buried in holes and corners, from which their resurrection for preservation and publication, so far as historically important, has become a matter of public interest well worthy the attention of the Government.

So lately as 1873, the Judicial Records of the County of Renfrew were found to be in great part huddled together in a confused heap on the damp stone floor of the Record Room at Paisley, where, without arrangement or inventories,

and covered with dust, they were fast going to decay from neglect and damp; many of the judicial proceedings and some of the Registers of Writs being already amissing, and the bindings of the Registers and Court Minute Books falling from them, and the whole contents of the place in a condition altogether unsatisfactory and discreditable.

In that year, the author of this volume was appointed Sheriff-Clerk of the County; and, on entering upon the duties of the office, found it necessary to decline taking possession of the Records, or to be held responsible in any way regarding them, so long as they were allowed to remain in their then condition. But through the influence and active aid of Patrick Fraser, Esquire, Sheriff-Depute, and after considerable correspondence with the Lord-Clerk Register, the Commissioners of Supply, and the Court House Commissioners of the County, authority and funds were at length given to the Sheriff-Clerk to put the Record Room and its contents, so far as not amissing or destroyed, into proper condition. In carrying out this important, and, to him, very congenial duty, the Sheriff-Clerk had occasion to examine and arrange a large mass of old documents throwing light on the litigation and administration of the law in the Courts of the Hereditary Sheriff and Baillies of Barony, and also on the manners and habits of the inhabitants of the County, and other matters of local and historical importance; and believing that these might interest the public, he selected, and annotated, and published portions of them in the public press weekly during the last three years.

The period of time to which these publications mostly refer—1680 to 1750—was a most interesting one in Scottish history. The Country had long endured the tyranny and persecution of the Stuarts, but had secured, by the revolutionary settlement, civil and religious freedom and the

enactment of just and merciful laws, and began to recover from a condition of great prostration and poverty in all its interests. The documents published in our first volume were such as to be likely to gratify the taste of the antiquary, and help the student of political and social science in his investigations into the history of that eventful period, as well as useful to the general public for reference.

In 1875, a call was made for such of these papers being collected and published by subscription; and a series of them accordingly appeared in the following year, and a large impression was disposed of. The publishers have been urged to print a second series; and the present volume being largely subscribed for, is now presented to the subscribers and the general public.

The author gratefully acknowledges the assistance he has received in compiling both volumes from James Caldwell, Esq., Clerk of Supply; David Semple, Esq., F.S.A.; Rev. James Mercer Dunlop, Pollokshaws; and John Cook, Esq., Editor of the *Paisley and Renfrewshire Gazette*, by loans of books and otherwise; and he has been encouraged to persevere in his work by the favourable notice of the first volume by the Newspaper Press, and the commendations of many correspondents whose opinions he highly appreciates. The author is quite aware that a work, such as this, which offers few inducements of an amusing or popular description to the general reader, requires an apology for its publication; and he can only plead that, finding much to amuse and interest himself in the documents passing, in the course of their arrangement, through his hands, he has presumed to think that many of his readers may find, in the selection he has made from these antiquarian and dry-as-dust documents, and his hurriedly prepared annotations, an interest somewhat akin to his own. At all events, the

documents he has ventured to publish being neglected and hid from the public, he hopes to be excused in now presenting them, although unhappily, they may be held by the more critical to be rather "more curious than important." The contents of the volume, the author is aware, are not such as to attract the general reader, but those rather who are interested in antiquities. His chief object in the compilations now completed has been to prompt others, who, like himself, have the opportunity as custodiers of public records, to follow his example, and "go and do likewise," feeling strongly, as he does, that this is a duty which they owe to the public of the various Counties in Scotland, and one which, on no account, they ought to shrink from—as well as the still greater and more important duty of calling on those bound to provide sufficient accommodation for the safe custody and careful preservation of County Records, to make such provision in the form of Fire Proof and well-ventilated Record Rooms, which his enquiries enable him to say are very generally needed.





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JUDICIAL RECORDS OF RENFREWSHIRE.

SECTION I.

COUNTY REPRESENTATION, FREEHOLDERS, &c.

Parliamentary Representatives of Renfrewshire.

First Period, 1593 to 1707.

THE historians of that remarkable period of Scotch history from the close of the reign of James VI. to the Revolution in 1688, tell us that so far from seeking to gratify their ambition by a seat in the estates of Parliament, the Commissioners sent to represent the barons or freeholders were wont rather to regard this distinction as imposing on its possessors a grievous and unbearable burden. The rent rolls of the aristocracy were in those days limited in amount, and the opportunity of travelling to Edinburgh otherwise than on horseback with a retinue of servants and horses, was impossible in the absence of all public conveyances from any part of Scotland to the Metropolis; whilst living in Edinburgh entailed an expenditure altogether disproportioned to their limited incomes, and considerably greater than in their country mansions. Few of the landowners, therefore, other than those holding the largest territorial possessions, cared to attend the estates of Parliament, or to take part in the making of the laws found now in the statute book. It must be borne in mind, too, that the laws of that time were, as a rule, made to crush out the liberties, civil and religious, of the people of Scotland, by subjecting them to numerous and unprecedentedly cruel and oppressive penalties, including even that of death itself, for offences wholly disproportionate to the punishment inflicted; while many of the proprietors of land in the West of Scotland sympathised with, and in some instances suffered, for covenanting principles,

against which the laws we refer to were chiefly enacted. It cannot be supposed therefore, that, independently of the inconvenience and cost of attendance in Parliament, they would be over desirous to attend, or to take any active part with the Crown, the nobles, and the dignitaries of the Church in making such laws; and to this feeling probably, quite as much as to the mere matter of expense, their reluctance to go to Parliament as Commissioners may be attributed.

In beginning our Second Series of County Records, we have thought that a list of the Parliamentary Representatives of Renfrewshire, from 1593 downwards, would be exceedingly appropriate; and in the present paper we append the names of the Commissioners appointed by the barons and freeholders of the County of Renfrew to represent them in the estates of Parliament, and who were personally present in the various Parliamentary sessions from 1593 to 1707. On two occasions between these periods—1640 and 1663—we find the county was not represented; while, on others, the number of Commissioners varied from one to three. It may also be remarked in passing, that nearly all the representatives for Renfrewshire were from the same families as have, from those early days to the present time, given most of the county representatives to the Imperial Parliament; and, further, that after the advent of William and Mary, at the Revolution, the representatives of the county were, for a number of Parliaments, chosen from families of covenanting principles,—the Maxwells of Pollok, Cunninghams of Craighends, and Caldwelles of that Ilk.

LIST OF COMMISSIONERS

From the County of Renfrew, sent by the barons and freeholders to the Scotch Estates of Parliament, from 1593 to 1707.

James VI.

1593. 10 July. —Lairds of Houstoun and Pollok.
 1617. 27 May. —Lairds of Pollok and Castlemilk.
 1621. 1 June. —Laird of Foulwood (Fullwood).

Charles I.

1643. 18 June. —Sir Archibald Stewart of Blackhall, and Patrick Fleyming of Barochan.
 1639. 26 Aug. —Lairds of Houstoun and Newark.
 1640. 19 Nov. —No Commissioner for County.
 Andrew Semple, for Burgh of Renfrew.
 1643. 22 June. —Cunninghame of Craigane, and John Schaw of Greenock.
 1644. 4 June. —John Brisbane of Bishoptoun and John Schaw of Greenock.
 1645. 26 Nov. —Lairds of Houstoun and Caldwell.

Charles II.

1661. 1 Jan. —Sir Archibald Stewart of Blackhall and the Laird of Houstone, Younger.
 1662. 8 May. —Sir Archibald Stewart of Blackhall.
 1663. 18 June. —No Commissioner for this County, and Ayr and Bute also unrepresented in this Parliament.
 1669. 19 Oct. —Sir Archibald Stewart of Castlemilk and John Schaw of Greenock.
 1670. 29 July. —Sir Archibald Stewart of Castlemilk and John Schaw of Greenock.
 1672. 22 June. —John Schaw of Greenock.
 1673. 22 Nov. —Sir John Schaw, Greenock.
 1680. 28 June. —William Hamilton of Orbiestown.
 Sir John Shaw of Greenock.

James VII.

1685. 23 April.—The Laird of Orbieston and the Laird of Houstone, Younger.
 1686. 29 April.—The Laird of Orbieston and the Laird of Houstone, Younger.

William and Mary.

1689. 5 June. —Sir John Maxwell of Pollok.
 William Cunninghame of Craighens.
 1690. 15 April.—Sir John Maxwell and Cunninghame of Craighens.
 1690. 3 Sept. —Sir John Maxwell of Pollok.
 William Cunningham of Craighens.
 John Caldwell of that Ilk.
 1693. 18 April.—Sir John Maxwell of Pollok.
 William Cunninghame of Craighens.
 John Caldwell of that Ilk.

William.

1695. 19 May. —Sir John Maxwell of Pollok.
 William Cunningham of Craighens.
 John Caldwell of that Ilk.
 1696. 8 Sept. —Sir John Maxwell of Pollok.
 John Caldwell of that Ilk.
 1698. 19 July. —Sir John Maxwell of Pollok.
 John Caldwell of that Ilk.
 1700. 21 May. —Robert Pollok of that Ilk.
 1700. 29 Oct. —Robert Pollok of that Ilk.
 Alexander Porterfield of that Ilk.
 John Stewart, Younger, of Blackhall.

Anne.

1702. 9 June. —Robert Pollok of that Ilk.
 Alexander Porterfield of that Ilk.
 1703. 6 May. —Sir John Houstone of that Ilk.
 John Stewart, Yr., of Blackhall.
 Robert Pollok of that Ilk.
 1704. 6 July. —Sir John Houstone of that Ilk.
 John Stewart, Yr., of Blackhall.
 Robert Pollok of that Ilk..

1705. 28 June. — Sir John Houstoun of that Ilk.
 Sir Robert Pollok of that Ilk.
 1706. 3 Oct. — Sir John Houstoun of that Ilk.
 Sir Robert Pollok of that Ilk.

The session of 1706 was the last of the Scots Estates of Parliament. In that year, union with England was sanctioned by an Act then passed and consummated; and the representatives of the county, elected by the barons and freeholders, were thereafter sent to the Imperial Parliament. In the paper immediately succeeding, we give the names of the county members, from the Union in 1707 to the passing of the Act for the representation of the people of Scotland in Parliament, in 1832; and in that following, the representatives of the County under the Act of 1868, for the amendment of the representation of the people of Scotland, and the Ballot Act of 1872.

Parliamentary Representatives of Renfrewshire.

Second Period, 1707 to 1832.



ALTHOUGH the freeholders or landowners of the county had been averse to take the position of Commissioners from the barons and freeholders to the Scottish Estates of Parliament, there seems to have been no difficulty in finding one of the local aristocracy to consent to represent the county in the British Parliament, even when the inconvenience and cost of travelling, and residence in London, must have been much greater than was incurred in attending the Scotch Parliaments at Edinburgh. The Government of the United Kingdom, and the Legislation of the British Parliament for half a century after the Union, would seem to have been in accordance with the political views of the freeholders of Renfrewshire, as, until 1768, there was no such party feeling among them as to lead to the representation of the county being contested. Politics, however, became more exciting in the latter half of the century; and in this year, 1768, the county was contested by Sir John Shaw Stewart of Greenock and William M'Dowall of Castle-

sempre, when the latter was returned by a plurality of the freeholders present at the election. The names or number of the Electors, however, are not given in the minutes. Mr. M'Dowall held the representation till 1774, when Mr. John Crawford of Auchenames was unanimously elected, and continued member till 1780, when John Shaw Stewart of Greenock was unanimously elected by 42 freeholders. Mr. M'Dowall was again elected in 1783, and also in 1784. Party spirit was again keenly manifested at the election in 1786, when the meeting of freeholders was unusually large, and John Shaw Stewart was chosen by 64 votes, against 44 given for Mr. M'Dowall. This election brought out that intense party feeling which was almost continuously thereafter shown at every election; and on the return of Mr. John Shaw Stewart a protest was taken by the freeholders who voted for M'Dowall, against the proceedings of a meeting of the freeholders held a few days previous to the election, on the alleged ground that many just claims for enrolment had been rejected, and objections to freeholders, improperly retained on the roll, disregarded. In 1790, John Shaw Stewart was re-elected by 22 votes, against 21 given for Alexander Cunningham of Craigends. In 1796, there was present at the election 20 freeholders, and Boyd Alexander of Southbar was unanimously elected. In 1802, Mr. M'Dowall was again unanimously elected by 25 freeholders present; and again unanimously in 1806, by the 24 freeholders who then attended; and again, in 1807, Mr. M'Dowall was elected by 31 votes, against 17 for Mr. Archibald Speirs of Elderslie. Mr. M'Dowall, who had so often represented the county, died in 1807, and his services were gratefully and unanimously acknowledged by a Resolution of the Freeholders at their Head Court, and they were also commemorated by a monument to his memory, erected by the county in the Abbey Church at Paisley. From 1807, the Whig interest predominated in the county; and we therefore find that, in 1810, Archibald Spiers was elected by 31 votes, against 15 given to Boyd Alexander of Southbar, and 8 for Archibald Campbell of Blythswood. In 1812, Mr. Spiers was again elected by 39 votes, against 17 for Mr. Boyd Alexander. In 1818, John Maxwell, Younger of Pollok, was unanimously elected by 49 of the freeholders present; and in 1820, Mr. Archibald Spiers was elected by 60 votes, against 52 for Sir William Milliken Napier of Milliken. In 1826, Mr. John Maxwell was again elected, there being 35 freeholders present. In 1830,

Sir Michael Shaw Stewart of Ardgowan, Baronet, was unanimously elected; and in 1831, on the motion of Sir John Maxwell of Pollok, seconded by Alexander Spiers, Younger of Elderslie, 33 freeholders again elected Sir Michael Shaw Stewart of Ardgowan, Baronet,—this being the last time the freeholders exercised their right of election, they being superseded in 1832, by the passing of the Act for the representation of the people in Scotland.

The examination of the minutes of the meetings of the freeholders of the county afford abundant evidence that, until 1770, they took little interest in the politics of the time, and merely discharged their statutory duty of sending a member to represent the county in the House of Commons. Even the drain of the national resources for wars in which the country was little interested, and the costs of which were grievously burdensome, failed to stir them into activity.

In 1770, only one freeholder, and, in 1771, two, attended the Michaelmas Head Court, when the roll of freeholders was revised; and few, if any, claims for admission to the roll, or objections to names on the roll, were considered. It was otherwise, subsequently, when political feeling was roused by such events as the declaration of American Independence,—the French Revolution,—and the war with France,—when the great amount of political discontent in the country led for its suppression to Legislation of a character now held to have been alike oppressive and unjust. By this time the freeholders of the county had become disunited in opinion, and party warfare was keenly and persistently waged in order to obtain political ascendancy in the county and to secure its representation for party objects. As an example of how the freeholders, or rather the county, was influenced by the politics of the thirty years from 1770 to the end of the century, and the desire for political power among the aristocracy of the county, it may be stated that while, before 1770, few claims other than those of heirs of the barons and freeholders were made for admission to the freeholders' roll, or objections urged against those on the roll who had been denuded of their right, numerous claims and objections came to be regularly brought under the consideration of the freeholders at their annual Michaelmas meetings; and so far was this carried, that, to get names expunged, as many as a dozen actions in the Court of Session were at one time raised by the two political parties, and enormous sums expended by their leaders in the attempt to main-

tain, or if possible to secure, the much-envied power of electing the member for the county. The following table will, to some extent, give an idea of the keenness of the struggle between the Whig and Tory parties, in the decade between 1770 and 1780,—

Claims and objections considered by Freeholders—1770 to 1780.

A. D. 1771,.....	None.
— 1772,.....	1
— 1773,.....	9
— 1774,.....	23
— 1775,.....	20
— 1776,.....	12
— 1778,.....	6
— 1779,.....	12
— 1780,.....	33

It is unnecessary to multiply examples, but the keenness here exhibited continued till near the time of the passing of the Reform Act, when the incurring of trouble and expense for adding to the number of freeholders began to be deemed useless, and was gradually given up. It must be kept in view, when looking at these figures, that the number of freeholders never at any time exceeded 162; and these annual additions to, and expurgations from, the roll, were therefore a large per centage of the total number, and had a most material influence in the elections till near the beginning of this century, when the Liberal interest finally predominated in the county.

It may be noticed at this point, that at the Michaelmas Head Court, in 1775, there was laid before the meeting a letter from the Lord Advocate, with copy of a bill intended to be brought before Parliament, entitled, “A Bill for altering and amending the laws which regulate the qualifications of freeholders entitled to vote in the election of members to serve for the Commons in Parliament in that part of Great Britain called Scotland;” and the meeting, after reasoning on the merits of the bill, and the alterations proposed thereby, resolved, by a majority of voices, “that the said bill proposed was inadequate, and therefore they rejected the same, and appointed their preses to acquaint the Lord Advocate of their resolution.” Thus the spirit evoked by the political events of the period and the prospective struggles for liberty, of which even then murmurs began to be heard over the kingdom, made the freeholders resist as insufficient the small modicum of reform presented to them by the Lord Advocate.

The following is a tabulated list of the Representatives of the County of Renfrew in Parliament, with the dates of their election, from the Union in 1707 to the passing of the Act for the better representation of the people in Scotland in 1832 :—

List of Elections, Representatives, and Candidates,—1707-1831.

	1707.	
23 Oct.	—Sir Robert Pollok of that Ilk,.....	Unopposed.
	1708.	
8 July.	—Sir John Schaw, Bart., of Greenock,	do.
	1710.	
25 Nov.	—Sir Robert Pollok, Bart.,	do.
	1710.	
12 Nov.	—Sir Robert Pollok, Bart.,	do.
	1715.	
17 Mar.	—Sir Robert Pollok, Bart.,	do.
	1722.	
10 May.	—Major Thos. Cochran of Craigmuir,	do.
	1727.	
28 Nov.	—Sir John Schaw, Bart.,	do.
	1734.	
13 June.	—Alexander Cunningham of Craigends,	do.
	1741.	
25 June.	—Alexander Cunningham of Craigends,	do.
	(Mr. Cunningham died in 1742.)	
	1742.	
28 Dec.	—William Mure of Caldwell,	do.
	1747.	
24 July.	—William Mure of Caldwell,	do.
	1751.	
29 April.	—William Mure of Caldwell,	do.
	1761.	
19 April.	—Patrick Crawford of Auchinames,	do.
	1768.	
7 April.	—William M'Dowall of Castle Semple. (Elected by a majority over Sir John Shaw Stewart of Greenock. Numbers of votes not recorded.)	
	1774.	
24 Oct.	—John Crawford of Auchinames,	Unopposed.
	1780.	
30 Sept.	—John Shaw Stewart of Greenock.	do. No. of voters present, 42
	1783.	
21 May.	—William M'Dowall of Garthland,	do.

1784.			
17 April.	—William M'Dowall of Garthland,	Unopposed.	
1786.			
19 Oct.	—John Shaw Stewart of Greenock,	64	
	William Macdowall,	44	
	Majority for John Shaw Stewart, ...	20	
1790.			
24 July.	—John Shaw Stewart of Greenock,	22	
	Alexander Cunningham, Craighends,	21	
	Majority for Mr. Stewart,	1	
1796.			
13 June.	—Boyd Alexander of Southbar,	Unopposed.	No. of voters present, 20
1802.			
23 July.	—Wm. Macdowall of Garthland,	do.	do. 25
1806.			
29 Nov.	—Wm. Macdowall of Garthland,	do.	do. 24
1807.			
29 May.	—William Macdowall of Garthland,	31	
	Archibald Speirs of Elderslie,	17	
	Majority for Mr. M'Dowall,	14	
1810.			
2 May.	—Archibald Speirs of Elderslie,	31	
	Boyd Alexander of Southbar,	15	
	Archibald Campbell, Blythswood,	8	
	Majority for Mr. Speirs,	16	
1812.			
12 Nov.	—Archibald Speirs of Elderslie,	39	
	Boyd Alexander,	17	
	Majority for Mr. Speirs,	22	
1818.			
13 July.	—John Maxwell, Yr. of Pollok,	Unopposed.	No. of voters present, 49
1820.			
21 Mar.	—Archibald Speirs of Elderslie,	60	
	Sir Wm. Milliken Napier, of Milliken, ..	52	
	Majority for Mr. Speirs,	8	
1826.			
7 July.	—John Maxwell, Yr. of Pollok,	Unopposed.	No. of voters present, 35
1830.			
13 Aug.	—Sir Michael S. Stewart, Bart.,	do.	
1831.			
2 Aug.	—Sir Michael S. Stewart, Bart.,	do.	No. of voters present, 33

The election of Sir Michael Shaw Stewart, in 1831, was the last at which the freeholders of the county exercised the privilege so long held by them, of sending commissioners to the Scotch Estates of Parliament prior to the Union in 1707 and thereafter to the Imperial Parliament, this privilege being taken from them by the Reform Act of 1832, and transferred to the proprietors of heritages of the yearly value of £10, and the tenants or occupants of heritages rented at or of the yearly value of £50. The names of the freeholders on the roll, in 1833, were transferred to the register of voters for the county, in terms of the Act; the privilege of voting with the other electors of the county newly created, being reserved to them so long as they held their qualification as freeholders.

Parliamentary Representatives of Renfrewshire.

Third Period, 1832 to 1874.



AS we have stated, Sir Michael Shaw Stewart, Bart., was the last elected member for the county prior to the passing of the Reform Bill of 1832. He had supported Earl Grey's Government, and voted for the Reform Bill, and had otherwise zealously and faithfully served the county as its representative; and it was felt by the new constituency, enlarged by said Bill from 132 to 1480, that Sir Michael had the very strongest claims upon them to be their first member, and they accordingly elected him by a very large majority in a contest with Robert Cunninghame Bontine, Esquire, who came forward as the candidate of the extreme Liberals.

The following is a list of candidates for the representation of the county since 1832, number of the constituency, and the number of electors who voted from 1832 to 1874:—

1832 — Constituency, 1480.		
<i>Candidates.</i>		<i>Votes.</i>
Sir Michael Shaw Stewart,		700
Robert Cunninghame Bontine, of Ardoch,		412
Majority for Sir Michael,		288

1835.

Sir Michael Shaw Stewart, elected unopposed.

1837 — Constituency, 2068.

George Houstoun, Esq. of Johnstone, 811

Sir John Maxwell, of Pollok, Baronet, 637

Majority for Mr. Houstoun, 175

1837 — Constituency, 2068.

George Houstoun, Esq. of Johnstone, 824

Captain Houstoun Stewart, R.N., 704

Majority for Mr. Houstoun, 120

1841 — Constituency, 2336.

Patrick Maxwell Stewart, Esq., 959

Colonel William Mure, of Caldwell, 945

Majority for Mr. Stewart, 14

The death of Mr. Stewart caused another election in

1846 — Constituency, 2308.

Colonel Mure, elected unopposed.

1847 — Constituency, 2330.

Colonel Mure, re-elected unopposed.

1852 — Constituency, 2501.

Colonel Mure, re-elected unopposed.

1855 — Constituency, 2640.

Sir Michael R. Shaw Stewart, of Ardgowan and Blackhall, Bart.,
elected unopposed.

1857 — Constituency, 2702.

Sir Michael R. Shaw Stewart, Bart., re-elected unopposed.

1859 — Constituency, 2877.

Sir Michael R. Shaw Stewart, re-elected unopposed.

1865 — Constituency, 2440.

Captain Archibald Alexander Speirs, of Elderslie, 938

Sir Michael R. Shaw, Stewart, Baronet, 826

Majority for Captain Speirs, 112

1868 — Constituency, 3571.

Captain Speirs, of Elderslie, re-elected unopposed.

By the lamented death of Captain Speirs, an election took place in

1869 — Constituency, 3724.

The Rt. Hon. Henry Austen Bruce, Home Secretary, elected unopposed.

1873 — Constituency, 4572.	
Colonel Archibald Campbell Campbell, of Blythswood,	1855
Colonel William Mure, of Caldwell,	1677
	<hr/>
Majority for Colonel Campbell,	178
1874 — Constituency, 4839.	
Colonel William Mure, of Caldwell,	1991
Colonel Archibald Campbell Campbell, of Blythswood,	1903
	<hr/>
Majority for Colonel Mure,	88

The elections from 1869 were conducted under the Act establishing vote by ballot. But this particular mode of election, that, as was supposed by its advocates, would prevent objectionable canvassing of electors and the use of undue influence upon them, utterly failed in these objects; and never has the county been more closely and keenly canvassed, or greater public interest taken in the result, than in the elections of 1873 and 1874. The operation of the Ballot Act on these occasions, was certainly not such as to realise any hopes which the candidates or the electors might have entertained of its salutary influence in reducing the great expense of Parliamentary contests.

British Parliament—Election of Representative from the County, and Commissioner from the Burgh of Renfrew, 1727.

THROUGHOUT the first seven years of the eighteenth century, the feeling of jealousy and enmity—the growth of many ages—held by the people of Scotland towards their English neighbours, was roused into fierce activity by the agitation for a Union of the kingdoms of Scotland and England. As if dreading a national calamity, the people throughout the length and breadth of Scotland were greatly excited, and loudly proclaimed their utter detestation of any closer political connection with England than then existed. This hostility to Union was not confined to any one class, but pervaded the entire people of Scotland, from the highest nobleman to the lowest peasant, who

were alike led to believe, and adopted the opinion, that such a union would carry with it not only the loss of national independence, of which the Scotch were jealously and intensely proud, but also a sacrifice of the interests of their country,—commercial, social, and religious,—in favour of England. It is difficult now, looking at the results of the Union, so beneficial to Scotland, to discover why Scotchmen, who have never been accused of want of shrewdness or foresight, or regard for their individual or national interests, did not perceive and grasp at the advantages which Scotland, comparatively a poor country, was likely to derive from a more intimate relation with a nation so much wealthier and populous than their own. The reason, we suppose, must be found in the fact of the English being looked upon by the Scotch as their natural enemies, whom it had been their wont in past ages to approach more frequently with the harquebuss, the battle-axe, the pike, or the sword in hand, rather than the olive branch. This hereditary animosity had, no doubt, cooled down since the accession of their king, James the Sixth, to the English throne, and consequent increase of intercourse for upwards of a century between the two countries, and also by the Revolution Settlement, which had brought the people of the two nations into greater harmony, by removing religious difficulties that had long embittered their relation to each other. But notwithstanding of all these healing influences, never was the hereditary jealousy and enmity of Scotland towards England more bitterly or keenly exhibited by the Scotch people, than when their nationality was supposed to be threatened with extinction by an amalgamation of their ancient kingdom with England. The terms of this Union had for several years prior to 1707 been the subject of negotiation by Commissioners, appointed by the Scotch Estates of Parliament and the English Parliament; and in that year these most important negotiations were brought to a close by an agreement as to the basis of the Union, contained in “The Articles of the Union.” These articles, consisting of twenty-five chapters—afterwards embodied in the Act of Union passed by the Scotch Estates of Parliament on 16th January, 1707—when they were published, roused the people of Scotland into a state of excitement never equalled in the history of their country; and quite a storm of indignant dissatisfaction was raised, not only against “The Articles of the Treaty of Union,” but also against the Union itself, with a view to prevent the acceptance of

the "Articles of the Treaty of Union" by Parliament, and their being passed into law. It is interesting to notice the manner in which this national feeling found expression. In the Estates of Parliament, Lord Belhaven, one of the most powerful and strenuous opponents of Union, declared that when he considered this affair of an Union, his mind was crowded with melancholy thoughts, for he saw a free and independent kingdom delivering up the power to manage its own affairs without being controlled by others. He saw a national Church, founded on a rock, descending into a plain on an equal level with Jews, Papists, Socinians, Anabaptists, Quakers, and Independents; and a noble Peerage, whose valiant predecessors led and supported armies, divested of their followers, and placed on a footing with their vassals; and peers, whose ancestors exacted tribute from England, walking in Courts of Request like so many attorneys, laying aside their swords when in company with English peers, lest, being provoked by their insolence, self-defence should be called murder; the Royal estate of Burghs also, bowed down under disappointments, walking their desolate streets, wormed out of their trade; and, describing the awful fate and dreadful punishment of a parricide during the Roman Empire, his Lordship declared patricide to be infinitely more infamous, and a much greater crime, and thought that punishment was greatly due to the Duke of Queensberry, who had led the movement for Union. And, in conclusion, his Lordship, appealing to the Estates of Parliament, emphatically called on them to crush this cockatrice's egg (the Act of Union), and all would yet go well. The Marquis of Annandale declared that the nation was altogether against incorporation with England; and the Duke of Hamilton, supporting Annandale's statement, said—Shall we yield in half an hour what our forefathers maintained with their lives and fortunes for ages? Was there none present of those patriots who defended the liberties of Scotland against all invaders, or who aided and fought with Bruce? Where were the Douglases and the Campbells?—where the Peers and Chieftains?—where the Barons, once the bulwarks of the nation? Should they yield up that independence which those they represented commended them to preserve? But, alas! neither the eloquence of Belhaven, nor the impassioned oratory of Hamilton, nor the fears for the future of Annandale, nor the violence of mobs who surrounded the Parliament-house, nor the tumults created over the kingdom, evincing the general hostile feeling of the people,

were sufficiently influential to prevent the articles of the Treaty of Union being agreed to by the Scotch Estates of Parliament, or their passing, on the 16th January, 1707, the Act of Union embodying the articles, and thereby for ever binding the two kingdoms into one, under the name of Great Britain.

Looking back to this stormy period, and the feeling of the Scotch people regarding the Union, it is curious that Lord Belhaven, when, with remarkable eloquence, he was denouncing its realisation, is stated to have declared that if the Duke of Queensberry, the Commissioner of Queen Anne to the Scotch Estates of Parliament, succeeded in carrying the Union, and it should prove all that his Grace prophesied it would be for the welfare and happiness of Scotland, then should his Grace have a statue of gold, for he would greatly merit it. How far Queensberry's prophetic anticipations have been realised, every reader of history is aware. The independence of the ancient kingdom of Scotland, if lost at all, has been only in name, while, substantially, all its rights and liberties have been preserved, and all its material interests greatly promoted; for the prosperity of Scotland has kept pace with, and in some respects has out-run, that of England. But, nevertheless, the excessive use of the influence of the Crown, the corruption, bribery, and other unscrupulous means used by its promoters in Parliament for the accomplishment of Union, as recorded by historians, mark many blots on their pages. Yet, were it possible that the effects of the Union could now be seen by Belhaven, he would doubtless decree his imagined golden statue to Queensberry.

By the 20th chapter of the Articles of the Treaty of Union, embodied in the Act of Union, 1707, it is provided "That all heritable offices, superiorities, heritable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof as rights of property, in the same manner as they now are enjoyed by the laws of Scotland, notwithstanding of this treaty." And by the 21st chapter, it is provided "That the rights and privileges of the Royal Burrows in Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof."

The rights of the Heritable Sheriff of Renfrewshire, the Earl of Eglinton, being thus preserved to his Lordship, His Majesty George the First, when he ascended the British throne, issued briefes or writs on 10th August, 1727, commanding the assembly of the first Parliament of Great Britain to be holden at Westminster upon the

28th day of November, 1727, and by writ directed to the Sheriff of Renfrewshire, he was required to summon the Freeholders and Barons of the County to meet and elect a knight of the shire, most discreet and sufficient, to represent the County in Parliament; and also the Magistrates of the Royal Burgh of Renfrew, to elect a Commissioner for choosing a burges for the class and district of the respective Burghs therewith joined, of the most discreet and sufficient, freely and indifferently, for representing their class or district of Burrows in the Parliament called by His Majesty, by advice and consent of his Council, for certain difficult and urgent affairs concerning His Majesty and the State, and defence of his kingdom of Great Britain and Churches thereof. According to these writs, received by the Sheriff-Principal of the County, his Depute, John Maxwell of Williamwood, issued precepts requiring the Freeholders and Barons, and the Lord Provost, Bailies, and Council of the Burgh of Renfrew, to meet for the purpose of electing a representative in Parliament for the County and also a Commissioner for the Burgh, who should act in concert with the Magistrates of the "Burrows" of Glasgow, Rutherglen, and Dumbarton, in electing a representative in Parliament for that class or district of "Burrows."

These precepts of the Sheriff, the first we find any notice of in the County Records, for the election of representatives to the British Parliament, are curious historical documents; and we append one of them—that directed to "The Lord Provost, Bailies, and Council of Renfrew"—to our present notes. It will be observed that this precept is directed to the *Lord* Provost of Renfrew, a title which the Chief Magistrate of that Burgh does not appear now to use, although it seems to have been recognised and used by Sheriff-Depute Maxwell in 1727, in an important official document.

PRECEPT OF THE SHERIFF.

By JOHN MAXWELL of Williamwood, Sheriff-Depute of the Shire of Renfrew.

Showing, That whereas, by one breive or write issued furth of his majesties chancery of great Brittain, directed to the Hie Sheriff of the county of Renfrew, for electing members to the Insueing parliament mentioning Because, by advice and consent of his majesties counccills, for certain difficult and urgent affairs concerning his majesty and the state and defence of his kingdom of great Brittain and churches thereof, his majesty has ordered his parliament to be holden at the city of Westminster, upon the twentie eight day of november next and there to treat and conferr with the other members of parliament of the sd kingdom;

therefor commanding and strictly injoining the sd Sheriff to cause elect out of every royal burgh within the sd Shire a commissioner for choosing a burghess for the class and district of the respective burghs therewith joined, of the most discreet and sufficient, freely and indifferently for representing their respective classes or districts of burrows in parliament, which breive or write bears test the tenth day of Agust, in the first year of his majesties reign: In obedience to which breive and statuts relative thereto, You, the Lord provost, baillies, and councill of the burgh of Renfrew are hereby required and commanded to elect a commissioner, as you were formerly in use to do, to the parliament of Scotland, and to order your sd commissioner so elected to meet at the burgh of Dumbarton, the presiding burgh of the sd class or district for the time to which you belong, upon the ninth day of September next, being the thirtieth day after the said writ bears test, and there, with the commissioners of the other burghs of your district, make choice of a burghess to represent the sd class or district to which you belong in the parliament to be holden day and place forsd, conform to the tenor of the sd breive or write direct for that effect, and statuts made and provided thereanent in all points. Given under my hand at Williamwood, this thirtieth day of Agust, seventeen hundred twenty and seven years.

JO: MAXWELL, Sheriff-Dept.

The County Election of 1734.

LISTS of the names of Commissioners to the Scotch Estates of Parliament from the County of Renfrew from 1593 to 1707, and of members to the British Parliament from 1707 to 1874, have been given in the immediately preceding papers; and as a corollary to these lists, we append a copy of the proceedings of a meeting of the barons and freeholders of the county held at Renfrew on the 30th May, 1734, to choose and elect a knight or baron to serve and represent the county in the Parliament of Great Britain, ordained by His Majesty George the Second to be holden at Westminster on the 13th June following. Of the freeholders on the roll, twenty-three appeared at the meeting; and "the question being put who should be knight and representative in Parliament for this shire," the freeholders present "did unanimously elect Alexander Cunningham of Craighends to attend and serve for the said shire in the Parliament to be holden at Westminster the thirteenth June next to come, giving and granting to the said Alexander Cunningham full power for, and on behalf of

“ himself and of the said whole county or shire, to do and consent
“ to those things which in the said Parliament should, by common
“ counsel and consent, happen to be ordained and appointed.”

From the Craighends family, one of the oldest and most influential in the county, Commissioners to the Scottish Estates of Parliament were elected on six occasions between 1642 and 1696, and again in 1734 and 1741 one of the same family was elected to represent the county in the British Parliament. Several members of the family also unsuccessfully contested the representation at elections subsequent to 1741.

The appointment of Commissioner to the Scotch Estates of Parliament, although one of dignity and importance, and always held by members of the most influential aristocratic families, was, as we have already observed, not coveted so much as the position of county representative in the British Parliament. Still, from what we find recorded in the minutes of Craighend's election in 1734, it appears that members sent from Renfrewshire to the British Parliament required payment from the county for their services to cover the great expense which they were put to in travelling to London with a retinue of servants and horses, in absence of any public conveyance, as well as the increased cost of living there during the sitting of Parliament. Craighends, at his election in 1734, seems to have been the first to regard the dignity and honour of the position of member for the county to be a sufficient recompense for any pecuniary sacrifice he was called on to make in fulfilling its duties, and he generously came under the following obligation to the freeholders to relieve the county of the customary fee:—“ I, Alexander Cunninghame of Craighends, commissioner, elected to serve in Parliament for the shyre of Renfrew, do hereby bind and oblige me to serve in Parliament for the said shyre gratis, and WITHOUT ANY FEE FROM YOU, AND DISCHARGE the shyre thereof for ever, as witness my hand at Renfrew, the said thirty day of May, and year foresaid. (Signed) ALEXR. CUNNINGHAME.” There are some ardent reformers of the present day who, to improve the representation, would lower members of Parliament to the position of mere delegates by paying them fees; but probably few of these parties are aware that they are only advocating a return to an old custom, to which Craighends, with laudable magnanimity, seems to have put a stop in this county, as no allusion is made to such fees in the minutes of any sub-

sequent election. In this fact of payment of a fee to our county representative in 1734, as contrasted with the enormous sums now freely expended by candidates for the honour of representing the county in Parliament, we have an evidence of the great change that has taken place in regard to the estimate of Parliamentary honours; and it is not going beyond the mark to say that the sum frequently now incurred to secure this much coveted position would, in the 17th century, have purchased the fee simple of a large estate in the county. No less remarkable is the change from the very small number of electors on the freeholders' roll in 1731 to the 4385 electors on the county register of 1875. Such contrasts and changes are as wonderful as they are instructive; and surely the preservation of the archives of counties, abounding in information so valuable alike to the social and political economist and the historian, ought to be objects of careful attention, and their destruction as much as possible prevented by those who have the custody of them.

The following is a full copy of the proceedings at the election of Alexander Cunningham of Craigends in 1734 as representative in Parliament of the county:—

I.

“Sheriff’s Precept for conveying the Freeholders to elect a Knight to serve in Parliament, 1734.

“By John Maxwell of Williamwood, Sheriff Deput. of the County of Renfrew :

“That whereas by ane Breive or writt issued furth of his Majesty’s chancery of Great Britain, directed to the Sheriff of the said county, mentioning that by advice and assent of his Majesty’s council for certain arduous and urgent affairs touching his Majesty and the State, and defence of his kingdom of Great Britain and churches thereof, his Majesty has ordered a Parliament to be holden at the city of Westminster, the thirteen day of June next ensuing, there to treat and confer with the prelates, great men, peers, and other commissioners of the realm : Therefore, commanding and strictly injoining the said Sherriff that immediately after due notice first given, cause ane knight, girt with a sword, most fitt and discreet of the said county, be elected by the freeholders of the said county who shall be present at such election, conform to the tenor and contents of the said Breive or writt, which bears test the eighteen day of Aprile last, and agreeable to the laws and statutes made and provided relative thereto, in obedience to which Breive of the said John Maxwell, as Sheriff Deput of the said county, hereby appoint Thursday, the thirtyeth day of May instant, to be the day for the Election of the knight for the said county : and hereby ordains due and lawfull intimation to be made to the hail freeholders haveing right to vote in the said election of a knight for the said county to be certified thereof by

open proclamation at the Mercat Cross of Renfrew, head burgh of the said county, upon Saturday, the twenty-fifth day of May instant, at the ordinar time of day, and by leaveing and affixing upon the said Mercat Cross a true double of this my precept, and likeways by open proclamation at ilk ane of the most patent doors of the haill churches within the said county, and by leaveing and affixing coppies hereof upon the haill respective church doors upon Sabbath next, the twenty-sixth instant, in the ordinar time of day, to convene in the Tolbooth of Renfrew the said day, betwixt mid-day and two afternoon, in that room where the Sheriff Court is in use to be held, in order to elect the said knight for representing the said county in the Parliament, time and place forsaid, conform to the laws and statuts made and provided relative to the said Election and the tenor of the said Breive or writt in all points of the date forsaid, and commits the execution of this my precept to you, my officers, coully and feally to be execute, in the precise terms above directed: Given under my hand at Williamwood, this twenty-third day of May, seventeen hundred thirty and four years.

“JO: MAXWELL, Shr. Dept.”

II.

“Execution by Andrew Craig, officer, Greenock, of the Sheriff’s Precept,
1734.

“Upon the twenty-sixth day of May, seventeen hundred and thirty-four years, I, Andrew Craig, officer, be vertue of ane precept from John Maxwell of Williamwood, Sheriff-Depute of the County of Renfrew, dated the twenty-third day of May instant, proceeding on ane write direct to him furth of his maties Chancery of Great Britain, for Electing ane Knight girt wt sword, of the most fitt and Discreet of the sd County of Renfrew, to Represent in the Parliament ordered to be held at Westminster, the thirteen day of June next, past to the most patent door of the Parroch Church of Greenock, the sd day being ane Sabbath day and yrat in tyme of dismissing the congregation from the forenoons sermon after pronouncing the Blessing, having made three sevell audible oyzess and publickly read and proclaimed the forsd precept, I made due and lawfull Intimation that the sd Sheriff had appointed Thursday, the thirtyeth day of May instant, to be the day for Electing the sd Knight for the sd County, and that the haill Barrons and freeholders who had power and Right to Vote in the sd Election were to meet and convene the sd day at the Burgh of Renfrew, head Burgh of the sd County, wt in the Tolbooth yrof in the ordinar time of day, in order to Elect ye sd Knight to represent them in the sd Parliament. This I did, after the form and tener of the sd precept in all points, whereof I left and affixed ane just Copy upon the most patent door of the sd Church, signed with my hand, bearing the date of Leaving and affixing yrof, being the date hereof, witnesses names and designations, yrin insert, present yrat, hereto subscribing, and the year of God at length, befor those witness, Robert M’Alester, sheriff officer in Greenock, and William Clark, wreight there.

“ANDREW CRAIG, Officer.

“ROBERT M’ALESTER, Witness.

“WILLIAM CLARK, Witness.

III.

“Minute of election of Alexander Cunninghame of Craigends, knight for this shyre, to serve in Parliament, 1734.”

“Att the Burgh of Renfrew, and within the Court hall thereof, the thirty day of May, seventeen hundred and thirty-four years, betwixt the hours of twelve mid-day and two in the afternoon :

“Which day, being the day appoynted by the Sheriffe-deput of Renfrew, by virtue of his maties Breive or writ direct to the said Sheriffe ffor Causing Choose and Elect a Knight or Barron to serve and represent the said shyre in the Parliament of Great Brittane, ordained by his matie to be holden at Westminster, the thirteen day of June next to come, convened within the said Court hall, the Honble, persons afternamed, all Barrons and ffreeholders in the said shyre, viz. :—

Sir Hew Montgomery, of Skelmorly.

James Hamilton, of Aikenhead.

Sir John Maxwell, of Pollock.

Robert Hall, of Ffulbar.

Alexr. Porterfield, of yt Ilk.

Colin Campbell, of Blythwood.

Alexr. Cochran, of Craigmuir.

James Dunlope, of Househill.

Robert Alexr., of Newtone.

John Maxwell, of Williamwood.

James M'Gilchrist, of Northbarr.

Alexr. Porterfield, of Ffulwood.

Sir James Hamilton, of Rosehaugh.

William Fleming, of Barrochan.

Sir Archibald Stuart, of Castlemilk.

John Walkinshaw, of yt Ilk.

George Houston, of Johnston.

Alexr. Cuninghame, of Craigends.

William Caldwell, one of ye present baillys of Paisley, as Delegate from the Toun of Paisley by Commission produced, dated the twenty-sevene of May inst. and sustained.

And the Breive or writ to direct to the sd Sheriff-dept., and the Sheriffs precept thereon, with examination yrof being produced before the meeting and the same read over, and the Sheriffe having sworn & signed the oath agst Bribery & Corruption, and for making a Due return, the saids Barrons & Ffreeholders as they who were enrolled voted at former elections, Did proceed to Elect and chose their preses and Clerk, and Did accordingly make Choice of the sd Sir Hugh Montgomery to be their preses, And Alexr. Wallace, Sheriffe Clerk of ye sd Shire, to be their Clerk, who Did take and swear the oath of alleadgence to his matie and sign ye same wt ye assurance in obedience to Acts of Parliat, And the sd Alexr. Wallace Did also swear & sign the oath agst corruption and bribery and for making Due returns, in terms of ye statute, and the meeting being so constitute, the haill forenamed Barrons and Ffreeholders Did qualifie ymselves by taking and swearing the oath of alleadgence and signing the same with the assurance.

“Compeared John Hamilton, of Grange, who claimed to be enrolled and admitted to vote at this Election, as Heir to his Father, Alexander Hamilton, of Grange, deceased.

“Compeared also Patrick Craufurd, of Auchenames, who claimed to be enrolled and to vote as heir of his Father, Patrick Craufurd, of Auchenames, deceased.

“Compeared also Rodger Oswald, of Fingleton, who craved to be enrolled and to vote as Heir of his uncle, Dr. George Oswald, deceased.

“And also compeared William Cochran, of Fergusly, who claimed to be enrolled and to vote as Heir of his brother, John Cochran, deceased.

“And their being noe objection made against the sds apparand heirs being admitted, the meeting unanimously appointed them, the sds John Hamilton, Patrick Craufurd, William Cochran, and Rodger Oswald, to be enrolled & admitted & hereby admitt ym to vote, and accordingly the sd four apparand heirs took the oaths of alleadgeance & signed the same wt ye assurance.

“Then the meeting proceeded to the Election of a Knight or Barron to represent the said Shyre and to serve in Parliament, and the Roll being called and the question putt, who should be Knight to represent in Parliat for this Shyre, the meeting, including the said apparand heirs, Did unanimously Elect the said Alexr. Cuninghame, of Craigends, to attend & serve for the said Shyre of Renfrew in the Parliament to be holden at Westminster, the thirteenth day of June next to come, Giving and granting to the said Alexander Cuninghame full pouer for and on behalf of himself & of the said whole County or Shyre, to Doe and consent to those things which in the said Parliament shall, by Common Council and consent, happen to be ordained, And appoint & ordain the said Alexr. Wallace, Clerk to ye said Election, to Give Extracts hereof, and to return the name of ye sd Alexander Cuninghame, of Craigends, Elected as sd is To the Sheriffe Princl. or Deput of ye sd Shyre and County of Renfrew, That he may annex and return the same with the Breive or writ to ye sd Sheriffe direct, as by ye statute yranent is Directed. “HUGH MONTGOMERIE, Presses.”

“I, Alexander Cuninghame, of Craigends, Commissioner Elected to serve in Parliament for the Shyr of Renfrew, Doe hereby bind and oblige me to serve in Parliat for the said Shyre Gratis and without any ffee from ym, and Discharges the Shyre for ever, as witness my hand at Renfrew, the said thirty Day of May, & year forsaid. “ALEXR. CUNINGHAME.”

IV.

“Oaths against Bribery and Corruption.

“I, John Maxwell, of Williamwood, Sheriffe-Dept. of the County of Renfrew, doe solemnly swear that I have not directly nor indirectly received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, by my self or any oyr to my use or benefit or advantage, ffor making any return at the present election of a member to serve in Parliat, and yt I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of loyall votes.

“JO: MAXWELL.”

“I, Alexander Wallace, Sheriffe-Clerk of Renfrew, as Clerk to the election of a Commissioner to serve at the Parliat, appointed to be held the thirteen of June next, doe solemnly swear that I have not directly nor indirectly received

By Henry Maxwell Esq Sheriff Deput of the
County of Kent

Whereas His Majesty with advice of his Council hath ordered a certain parliament to be held at westminster the twenty fifth day of June next, there is a writ bearing test the twenty eighth day of April last directed to me Sheriff of the County of Kent Commanding me immediately after due notice given and Knight sent with a sword of the most fit and discreet of the County of Kent By the freeholders of the same who shall be present at Election I cause to be elected according to the Statute in this behalf made & provided I therefore in obedience to the said writ and in terms of the Statute Do hereby appoint Tuesday the twenty fifth of May current to be the day for Electing an Knight for the said County to represent in the said parliament And hereby Command & charge you

so to be at the six o'clock this day being the ordinary market day of the Burgh of the being an Sabbath day to the most public door of each parish Church within the County except after distinct notices And give notice of the said writ and that I have within the Court room or Hall in the Burgh of the County of Kent and that the freeholders within the County shall have right to vote at such an Election them in the said parliament and after Election to return his name by the Clerk in order to be put in order and annex to the writ and returned you in terms of Statute and form of the Statute Given under my hand at Paris the sixteenth day of May 1741

Henry Maxwell

any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, and by my self or any oyr to my use or benefit or advantage, ffor making any return at the present election of a member to serve in Parliat, and yet I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of loyall votes.

“ALEXR. WALLACE.”

V.

“Indenture remaining for the use of ye County, 1734.

“This Indenture, made at the Burgh of Renfrew, in the County of Renfrew, the thirtieth day of May, one thousand seven hundred and thirty-four years, and seventh year of the Reign of our Sovereign Lord George the Second, by the grace of God, King of Great Britain, France, and Ireland, between John Maxwell of Williamwood, Sheriff-Deput of the said County, on the one part, and Alexander Wallace, Sheriff Clerk, of the said County, clerk elected to the effect after-mentioned by the Electors and Freeholders of the said County, on the other part, witnesseth that according to the form and tenor of the writ of our Sovereign Lord to this Indenture annexed, and after Proclamation duly made at the Mercat Cross of the said Burgh of Renfrew, head-burgh of the said County, and at the haill Parish Churches of the same County as use is, the Electors and Freeholders of the said being convened in the Court-hall of the Burgh of Renfrew, did all unanimously, and in one voice, after making and subscribing the oaths appointed by the statutes in that behalf made and provided, elect and choise Alexander Cunningham of Craigends, a knight resident in the said County, girt with sword, of the most fit and discreet of the said County, and gave and granted to the said Knight full and sufficient power for himself and the haill Community of the foresaid County to do and consent to all things which then and there by the common counsel of the Kingdom, with God's assistance, shall happen to be ordained upon the affairs specified in the said writ; in testimony whereof to one part of this Indenture remaining with our Sovereign Lord the King, the above Parties have sett their hands and seals to be annexed to and returned with His Majesty's writ aforesaid, direct to the said Sheriff, and to the Counter-part of this Indenture remaining with the said Clerk for the use of the County, the said Sheriff-Deput hath sett his hand and seal, place, day, month, year of God and King's Reign above-written.

“JO: MAXWELL, Shr. Dept.”

The Freeholders of Renfrewshire, 1747 to 1831.



THE earliest evidence we have found in the County Records of the meetings of the freeholders of Renfrewshire, who, as we have seen, held the high and exclusive privilege of electing the Parliamentary representatives of the county, is that of the year 1747; but from an imperfect index

of their proceedings we can observe that minutes of their meetings existed, and formed part of the County Records; but from the year 1733 till 1747, they are now amissing.

The minutes we have found show, amongst other things, the progressive increase of the freeholders who had the representation of the county in their hands from 1748 to 1831. The annual additions to the freeholders' roll, marking the value attached to the privilege of voting as electors, show the growing interest taken in politics in the county, and the keen contention of political parties to obtain sufficient ascendancy to secure the return of the member for the county. In the year 1748, not much more than a century ago, the election of the representatives of Renfrewshire was in very few hands. In that year, the freeholders only numbered thirty-nine—and were exclusively of one class, the landowners or Barons. The voice of the people, at this period, was not in any way regarded in the choice of the Parliamentary representatives of counties, and, if possible, even less so in the burghs, where the system was still more close and exclusive, and open, moreover, to gross corruption. After, however, the declaration of Independence by the United States of America and the outbreak of the French Revolution, attention came to be given to the consideration of constitutional questions; and the discontent of the people at being deprived of all voice in the choice of representatives in Parliament, and the popular cry of "No taxation without representation," began to make itself heard.

In recollection of these facts, an inquiry into the former state of the Parliamentary franchise is not wholly unimportant; while, as a matter of history, it is certainly interesting to know and to keep in view the fact that, commencing with 39 freeholders in 1748, and even with only 140 in 1830, the Parliamentary constituency of this county has so increased since 1831 that the electoral roll of 1876 bears the names of no less than 5023 qualified electors.

In the appended minute of meeting of freeholders in 1747, our readers will find the names of the thirty-nine landowners in whose hands was the election of the Parliamentary representative of the county; and an examination of the list will enable any one to perceive how exclusive was the class to whom this important trust was then confided. It may, however, be here remarked that Renfrewshire,

under the imperfect and unjust system that existed previous to 1831, sent to Parliament representatives in almost every respect similar, as regards the class from which they were selected and their fitness for the position, as they now are under the more liberal and extended system. But, of course, there is now the controlling power of a general and secret vote to keep the general conduct of the representatives of the county in accord with the opinions of their constituents. It may further be observed that perhaps as much as, if not more than, any county in Scotland, Renfrewshire, under the old and unreformed constituency, sent representatives not less eminent for social position and ability than their willingness to advocate liberal principles and popular rights.

In the year 1748, an addition of two names,—Gabriel Porterfield of Nether Dennistoun, and James Campbell of Blythwood,—was made to the roll of freeholders, thereby increasing the number on the roll from 39 to 41. This is the first notice we have of a Campbell of Blythwood, at least so designed, being placed on this roll, although this family then and has since occupied a prominent and influential position in the county; the present proprietor, Archibald Campbell Campbell, having been, in 1873, elected by the constituency of his native county to represent them in Parliament. His grand-uncle, Archibald Campbell of Blythwood, long represented the cluster of Burghs, of which our county town, Renfrew, was one, which sent a member to Parliament prior to 1831, and he was not less remarkable for his personal influence in St. Stephens than for the high respect in which he was universally held in the county as a noble specimen, alike in his personal appearance, manner, public spirit and usefulness, of a country gentleman.

The following are copies of the minute of the Michaelmas Head Court of the freeholders of the County of Renfrew, in 1747, already referred to; and those acquainted with the county will not fail to observe that of the 39 freeholders and landed proprietors recorded on the roll of freeholders, few bearing their names now hold possession of the estates on which their forefathers qualified as freeholders. Indeed, we can only recognise those of Sir John Maxwell of Pollok, William Fleming of Barochan, Ludovic Houstoun of Craginfeoch, Sir Michael Stewart of Blackhall, William Cunningham of Craigends, Sir John Schaw (Greenock), James Milliken of Milliken, Sir Robert Pollock of that Ilk, William Mure of Caldwell, William M'Dowall of

Castlesemple, and John Brisbane of Westlands, as being represented by successors of their family names :—

Minute of Meeting of Freeholders, 1747.

At Renfrew, the thirty-first day of October, 1747, to-day being the second Tuesday after Michaelmas, and the said second Tuesday being the anniversary day for holding the Michaelmas Head Court for the Barons of the shire of Renfrew to revise their roll, the following freeholders, Sir John Maxwell of Pollock, James M'Gilchrist of Northbar, and John Somerville of Arclestoun present, Elect Sir John Maxwell Presses, and Elect Archibald M'Gilchrist, writter, son to James M'Gilchrist of Northbar, Clerk to the Barons and their Michaelmas Head Courts, to continue during the Barons' pleasure, with power to name Deputies, for whom he shall be answerable ; and the Court being lawfully fenced, the Sheriff-Clerk's Register, wherein is inserted the minutes of the last Election of a Member of Parliament on the 24th July last, was produced, and the Barons proceeded to revise the roll of Electors. The Barons having revised the Roll, expunge Lord George Grahame, now deceased, from the said Roll, and ordain the haill other Electors to continue on the Roll, and the following Roll to be the Roll of Electors for the shire of Renfrew, made up at this Michaelmas Head Court :—

Sir John Maxwell, of Pollock.
 Alexander Cochrane, of Craigmuir.
 James M'Gilchrist, of Northbar.
 Alexander Porterfield of Fulwood.
 John Graham, of Dougalstone.
 John Hamilton, of Grange.
 Mr. James Graham, of Allans, Advocate.
 Sir James Hamilton, of Rosshall.
 William Fleming, of Barrochan.
 Sir Archibald Stewart, of Castlemilk.
 John Walkinshaw, of that Ilk.
 The Elder Bailie of Paisley.
 Mr. Hugh Crawford, of Calderhaugh, Semple.
 John Walkinshaw, of Walkinshaw.
 Ludovic Houstoun, of Craigenfeoch.
 Sir Michael Stewart, of Blackhall.
 William Cochran, of Ferguslie.
 Archibald Campbell, of Elderslie.
 Alexander Montgomerie, of Colsfield, in right of his Lady, for Lochlibo
 side and Hartfield.
 William Cunningham, of Craigends.
 Mr. William Wallace, of Arthurlie, Advocate.
 Mr. Alexander Finlayson, of Boghall.
 James Hamilton, of Aitkenhead.
 Mr. Hugh Stewart, of Gryfe Castle.
 Hew Crawford, of Browns, Calderhaugh.
 Sir John Schaw, of Greenock.

John Cochrane, of Waterside.
 James Ballantyne, of Kelly.
 Patrick Crawford, of Auchinames.
 James Miliken, of Miliken.
 Mr. James Hamilton, of Boghouse, Advocate.
 Sir Robert Pollok, of that Ilk.
 Mr. William Mure, of Caldwell.
 John Brisbane, of Westlands.
 Collonell William M'Dowall, of Castlesemple.
 William M'Dowall, of Glen.
 John Maxwell, of Blawarthill.
 John Somerville, of Arclstone.
 George Buchanan, of Hillington.

And a claim of Gabriel Poterfield, of Hayland, for being entered in the roll as qualified in virtue of his rights therein mentioned, being considered, the Barons, as the writes doe not mention the four pund land of Nether Denistoun, on which he claims to be of old extent, find that until further advisement he ought not to be now received on the roll.

JOHN MAXWELL, Preses.

At Paisley, the seventeen day of Dec., seventeen hundred and forty-seven years. The above minutes of the Barons, as wrote on this and the two preceding pages, were by the above Archibald M'Gilchrist, Clerk, presented and duly registrat in the Sheriff Court Books of Renfrew Shyre, by

ALEX. WALLACE, Clk.

Excerpt from minutes of meeting of Freeholders for County of Renfrew at Michaelmas Head Court, 1748.

And sicklike compared James Campbell, of Blythswood and produced to this meeting ane Charter of Resignation of the lands of Inchinnan and Miln thereof, Newshots Isles in Gryfe within the Floodmark, and lands of New Shotts and Miln thereof lying within the Parish of Inchinnan and Shyre of Renfrew, granted by His Royal Highness Frederick Prince of Wales and Barons of Exchequer in favours of the said James Campbell of Blythswood, under the Prince's Great Seal, dated 26 July, 1745, written to the Great Seal and Registrat the thirty day of June, 1746, and Sealed at Edinburgh the 7th July said year. Item, the said James Campbell his Instrument of Sasine following yron under the subscription of Robert Barclay, Nottar Public, dated 21 October, 1746, and recorded in the Register of Sasines for the Shyre of Renfrew said day—also produced ane certificat under the hands of James Marshall, Sheriff-Clerk of this Shyre, annexed to a claim for the said James Campbell for his enrollment upon the Writs foresaid, also produced ane Certificate under the hands of David King, Deputy Collector of the Cess for the Shyre of Renfrew, with James M'Gilchrist of Northbar and John Somerville of Park, two of the Commissioners of Supply for the Shyre of Renfrew, attesting the said James Campbell's valuation for the lands of Inchinnan to be Nine hundred Punds Scots, and for the lands of Castlehill, King's Meadow, &c., Sixty Punds Scots, which certificats are dated this day, and the said James Campbell claims to be enrolled by virtue of the said Wrytes

in respect of the valued rent of the said lands exceeding Four Hundred Punds Scots of Valuation. There being no objections made against the enrollment, unanimously appointed him to be enrolled, and hereby do admit him as Freeholder, and Elector for the Shyre of Renfrew.

From the minutes of the freeholders' meetings, from 1747 to 1765, we find the number of freeholders on the roll never exceeded 43, who represented the large estates in the county, and as their owners had the requisite amount of valuation to qualify them for being placed on the roll. From the last mentioned year, we learn, from other sources, that their number gradually increased, until 1825, when it reached 162, and that it thereafter declined to 140 in 1831. The steady annual increase of the roll from 1765 down to 1825, gives some idea of the continuous struggle of the two great political parties to obtain the ascendancy on the freeholders' roll, and thereby to secure the representation of the county, to which we have already alluded. For this object, the creation of freehold qualifications in fee or life-rent, but chiefly the latter, by division of the valued rent of the county, was carried almost to its utmost limit. In no county in Scotland, according to its population and valuation, was this contention carried farther, or greater pecuniary sacrifices made to obtain party ascendancy. It is now curious to glean from the freeholders' minutes the particulars of this contention, as shown in the claims for enrolment on both sides, the objections thereto, and the legal arguments by which these were supported, occupying, as they often did, hundreds of pages, followed by protests of the failing party, and often resulting in protracted litigation in the Supreme Court. It was almost impossible that political strife so keen, accompanied as it was by enormous cost, should not have engendered family and personal hostility; but even when this was attempted to be avoided by careful disassociation of politics from the affairs and intercourse of private life, certain families in the county, both Whig and Tory, closely associated together for purely political party purposes, and to members of these families the representation of the county fell, according to their strength on the roll of freeholders, and was lost or gained not unfrequently by the narrowest possible majority. Latterly, however, the combination of the leading Whig families in the county obtained the ascendancy; and, from 1810, Renfrewshire was, until 1831, represented by members of influential Whig families.

Except at the election of the county Parliamentary representative, the freeholders seldom assembled in large numbers, not even at the County Head Courts; and on at least two occasions—1769 and 1804—no Michaelmas Head Court was held, while other meetings were sometimes composed of the chairman alone, or of two or three freeholders. The business, unless on very rare occasions, was confined to the revising of the freeholders' roll, and imposing the county assessments; and only about the end of the last and beginning of the present century did the freeholders muster in any strength, even when the admission of claims for enrolment and objections were discussed. There was, however, as the freeholders were quite aware, the check of the interposition of the Court of Session when apparent injustice was done to claimant or objector through party feeling, and there was therefore little dread of the freeholders being led to act otherwise than in strict conformity with the law, although the meetings sometimes, from the effervescence of party feeling, were somewhat stormy. The meetings of the freeholders were always interesting to the general public, as here expression was given to the popular sentiment on political and other questions of importance which could not elsewhere be so well ventilated. Among the questions that occasionally occupied their attention was agricultural distress, regarding which we find, in 1822, that the freeholders "strongly recommended the attention of the " member for the county to this most important subject, and to the " necessity for a meeting of delegates at Edinburgh to concert " measures for the general good." In these days of free trade in corn and other articles of commerce, we naturally smile at the evident impression of the freeholders that the prosperity of the agricultural interest depended on the maintenance of a high price of grain.

Prior to 1824, the meetings of freeholders for the election of a member for the county in Parliament were held in the Parish Church of Renfrew. By 1830, however, the agitation of the question of Parliamentary Reform was approaching to fever heat, and, a new election being imminent, the heritors and kirk session of the parish, remembering the stormy nature of the immediately previous election, and the damage done to the church, refused longer to give the use of it for election purposes; and at a meeting of the freeholders, on the motion of Mr. Speirs of Elderslie, who was one of the principal heritors and joint-patron of the parish, it was resolved that the free-

holders should provide another and more suitable place for the coming election.

On 2nd August, 1831, when the freeholders met for the last time for the exercise of the privilege they had enjoyed since the Union of Scotland with England, in 1706, of electing a member for the county to the British Parliament, there were thirty-three freeholders present, with Mr. Speirs of Elderslie as chairman, when, on the motion of Sir John Maxwell of Pollok, Baronet, seconded by Mr. Alexander Spiers, younger, of Elderslie, Sir Michael Shaw Stewart of Ardgowan and Blackhall, Baronet, was unanimously elected.

At the Head Court of the freeholders, held the same year on 11th October, Sir John Maxwell was unanimously elected preses, and the number of freeholders on the roll fixed at one hundred and thirty-six, whose names now stand on the freeholders' records as the last of their number who had the exclusive choice of the county member. Thereafter, the meeting was resolved into a joint meeting of freeholders and Commissioners of Supply, when Mr. John Maxwell, younger of Pollok, rose and stated "that in consequence of the calamitous result of the Reform Bill, he felt it to be his duty, and one of the most important that had ever devolved on him, to move the county to vote an address to the King, which he read to the meeting," and of which the following was the prayer:—"The Freeholders " and Commissioners of Supply of the County of Renfrew therefore " earnestly and most humbly implore Your Majesty to endeavour, " as the father of your people, to carry into law that improvement " of the representative system which has been submitted to, and " approved of, not only by the unrepresented but by the represented classes of your Majesty's loyal subjects, and to exercise " those prerogatives of the Crown which your Majesty holds as a " trust for the good of the people, in the manner and degree in " which they may be necessary to prevent the passions and prejudices and interests of any part of the community from obstructing " your Majesty's Government in realising the just, avowed, and " seasonable desires of your Majesty's loyal and dutiful subjects of " Great Britain and Ireland." Mr. Spiers of Elderslie seconded the address, which was opposed by Mr. Smith of Jordanhill, who contended that "the meeting was taken by surprise, and therefore moved the previous question," which amendment was seconded by Mr. M'Dowall of Garthland. Mr. Smith, however, declined to divide the meeting on the question, and the address was agreed to

without opposition. Mr. Wallace of Kelly afterwards moved—
 “That in the opinion of this meeting it is of the highest importance
 “to the interests of the country at the present eventful crisis, that
 “Earl Grey and his colleagues should not resign office.” This pro-
 posal was unanimously carried, and it was agreed that a copy of the
 resolution of the meeting should be presented to Earl Grey.

On a requisition from the householders in Paisley, it was by the
 meeting of Freeholders and Commissioners of Supply further
 resolved that a general meeting of the county should be called for
 an early day, to take into consideration the question of Parliamen-
 tary Reform. This meeting was afterwards held in front of Elderslie
 House, and was one of the largest and most influential ever held in
 the county, and in commemoration of it a large Silver Medal duly
 inscribed was presented to Mr. Speirs.

Freeholders, 1747-1832.

The following is the number of freeholders on the Freeholders’
 Roll of Renfrewshire, each year, from 1747 to 1831, as fixed at the
 annual Michaelmas Head Court, with exception of the years from
 1760 to 1764 inclusive, for which years the Records are amissing
 from the County Record Room, and the years 1769 and 1804, when,
 from failure of attendance, no Head Courts were held.

<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>
1747	39	1769	No Meeting.	1791	102	1813	78
1748	40	1770	75	1792	99	1814	80
1749	40	1771	70	1793	95	1815	91
1750	36	1772	70	1794	90	1816	96
1751	35	1773	73	1795	94	1817	119
1752	35	1774	90	1796	90	1818	133
1753	31	1775	105	1797	93	1819	143
1754	32	1776	114	1798	91	1820	143
1755	34	1777	112	1799	87	1821	154
1756	33	1778	115	1800	87	1822	155
1757	32	1779	107	1801	85	1823	161
1758	30	1780	132	1802	81	1824	161
1759	33	1781	129	1803	81	1825	162
1760		1782	128	1804	No Meeting.	1826	147
1761		1783	125	1805	77	1827	146
1762		1784	123	1806	76	1828	146
1763		1785	113	1807	76	1829	143
1764		1786	125	1808	68	1830	142
1765	43	1787	140	1809	71	1831	136
1766	46	1788	140	1810	77	1832	132
1767	55	1789	134	1811	80		
1768	69	1790	128	1812	80		

NUMBER OF ELECTORS ON THE COUNTY REGISTER, 1832 TO 1868 :—

<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>
1832	432	1844	2349	1857	2652
1833	1348 <small>Old, 132 New, 1216</small>	1845	2363	1858	2669
1834		1445	1846	2363	1859	2702
1835	1480	1847	2308	1860	2877
1836	2007	1848	2330	1861	2914
1837	1975	1849	2397	1862	2945
1838	2068	1850	3391	1863	2316
1839	2205	1851	2425	1864	2313
1840	2321	1852	2450	1865	2276
1841	2364	1853	2501	1866	2308
1842	2336	1854	2501	1867	2341
1843	2373	1855	2573	1868	2440
		1856	2640		

NUMBER OF VOTERS ON THE ROLL, 1868 TO 1876 :—

<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>	<i>Year.</i>	<i>No.</i>
1869	3571	1872	4230	1875	4839
1870	3724	1873	4385	1876	5023
1871	3969	1874	4572		

The above lists of the number of electors show first their increase from 132 in 1832, when the freeholders ceased to have the power of electing the Member for the County, to 1348 in 1833, under the first Reform Act, and their still further increase—5023—after the passing of the Act of 1868, when the franchise was extended to £5 proprietors and £14 annual occupants.

Striking of the Fians.

EVERY one is aware that in Scotland each sheriff, within his own county, performs annually a statutory duty called "Striking the Fians;" but of this ancient custom few know the history or the object sought by its observance. Sheriff Barclay of Perth, in his compendious and highly useful digest of the law of Scotland, says that fians are the annual average prices of grain in each county to regulate Crown duties, ministers' stipends, and the rents of agricultural subjects, where these are stipulated by leases.

The first authority we find for fixing the prices of grain for such purposes, is an Act in 1484, of James VI., entituled "Ane Act for suir assignatioun and pament of the levingis and stipendis appointit for ye ministeris of Goddis Word, and eschewing of the abuse of diversitie of prices." This Act narrates that from non-observance of an Act passed in 1581, "maid anent provision of ministeris. Quhilk Act, as yit, hes tane litle executioun, be occasioun of the trublis intervenit sen the making theirof; and his Majestie and thrie estatis finding be guid pruiiff and experience the skaith and inconvenient qlk, alsweill his hienes as the maist pt of ye ministrie sustenis thairby, they being yeirlie w'drawin fra their kirkis to attend a large space upon the getting of the assignations of ye livingis and stipendis modifit to them, and his hienes being frustrate of ye surplus of the thriddis of benefices deu unto him for the supplie of the necessarie affairis of his estate. Thairfoir, and for eschewing of ye said abuse, and inconvenient in tyme cuming, our souerane lord, with auise of his thrie estatis in this present parliament, grantis, and gevis full power and comissioun to ye lordis auditouris of his hienis chekker to convene how sone convenientlie they may, after ye end of this present Parilament, and to considre, appoint, and ordour the estait of ye said kirk and stipendia of ministeris within this realme, and to sett and appoint certane indifferent and comoun prices, als neir as may be to the feiris of ye cuntries. Alsweill upoun all victualles to be assignit to ye saidis ministeris in thair levingis and stipendis as upoun that quhilk sall fall and apertene properlie to his hienes as surplus qr throw ye greit inequalite, now standing in the forme of ye modificatioun of stipendis throw ye diversitie of praise may be avoidit. And that ye said surplus being certane his hienes may know his apparent commoditie thairof in time cmming; and that ye saidis auditouris of his hienes chekker at thair guid discretioun and chois considre appoint and ordur the estates of ye saidis kirkis and stipendis; and sett and appoint the saidis prices of victuallis as the samyn, sall stand of ye onlie yeir and crop Jm. Vc. lxxxiiij yeiris instat or for ye same yeirs and V years to cum qll forder ordour be tane be his hienes with auise of his estatis in Parliament."

The power given to strike fiars' prices by the above-narrated Act to the auditors of the Court of Exchequer, seems to have been carried out by the Sheriffs of Counties; and so early as the year 1723, an

Act of Sederunt was passed by the Lords of Council and Session, declaring and appointing the manner of striking the fiars by the Sheriffs. This Act was the necessary consequence of a general complaint that the fiars were struck and given out by the Sheriffs without due care and enquiry; and that, while some Sheriffs proceeded to strike the fiars by way of inquest, without sufficient evidence to submit to the jury, other Sheriffs proceeded arbitrarily and without any inquest, and others entirely neglected to strike fiars, and thereby created great uncertainty, delay, and expense, in the administration of justice. Therefore the Lords appointed and required the Sheriffs of Scotland and their Deputes yearly, between the 4th and 20th February, to summon before them persons living within the Sheriffdom, having knowledge and experience of prices and trade and victuals, to choose fifteen men, eight being heritors, to pass upon the inquest, and return a verdict on the evidence submitted to them in manner thereby directed, or of their own proper knowledge, concerning the fiars of the preceding crops of every kind of victual of the product of that Sheriffdom. And that the Sheriffs and their Deputes should, to the same time and places summon proper witnesses, and other good evidence to be submitted before the jury, concerning the price at which the several sorts of victual had been bought and sold since 1st November immediately preceding, and also concerning all other good grounds of arguments from whence it might rationally be concluded by men of skill and experience, what ought to be established as the just fiars prices for the said crop; and further, that the Sheriffs or their Deputes should, on or before 1st March, give forth sentence according to said verdict, determining and fixing the fiars prices for the crop preceding of each kind of victual of the product of their Sheriffdom, and forthwith record in their books the said fiars, and their clerks give extracts thereof.

An examination of the records of the Fiars' Court in Renfrewshire shows that if the practice of the Sheriffs in this county in striking "the fiars of the crops of every kind of victual of the product of their Sheriffdom" is to be taken as an example of the practice in other counties, the censure upon the Sheriffs, conveyed by the Act of Sederunt, was well merited, for nothing could be more irregular and less satisfactory for carrying out the object of the Act of Sederunt than the manner in which the fiars were struck by them in this county.

It is the declared purpose of this Act of Sederunt that, for regulating payments in grain within each county, the price of grain grown and bought and sold within the county is to be ascertained by each Sheriff, at an annual Fiars' Court held at a prescribed date; and the justice of so regulating such payments is so obvious, that it is surprising to find that, down to the year 1827, the enquiry by the Sheriff of Renfrewshire was not limited to prices of grain grown within his own county, but was extended to all British grain brought into and sold or bought within the county. Of course, the prices of British grain, in the then agricultural condition of the county, would be much higher than those of local growth; and an injustice was thus done to all having grain payments to make within the county, which were calculated on the prices of grain grown therein.

It must also be remarked, as another deviation, and an important one, from the rule laid down by the Act of Sederunt, that the Sheriff of Renfrew did not summon an assize or jury to aid him in fixing the fiars till the year 1792, when, for the first time, we find an assize of five jurors called. This continued till, in 1805, the number was increased to six, and, in 1827, to fifteen.

It appears from the records that, from 1773 till 1786, one Fiars' Court only was held annually by the Sheriff. The record is wanting from 1786 to 1791. In 1791, the number of courts was increased to twelve annually, and this number continued till 1819, when the record is again amissing till 1827. In 1827, the number of courts was reduced to one annually.

In regard to the evidence taken of prices, we find that, from 1773 to 1800, witnesses were generally called from various parts of the county, but the larger proportion of them were Paisley shopkeepers or dealers, and, for a number of years, limited to these. After 1800, however, the witnesses were taken from various parts of the county, and from classes best able to give good evidence. Prior to 1798, it was sometimes the practice to ascertain the prices of grain weekly, and to strike an average middling price from the whole fifty two weeks' prices.

Down to the year 1830, the fiars' prices of wheat, peas and beans, barley, bere, and oats were ascertained and fixed by the boll, and of oatmeal by the eight stones Troy. But after the passing of the Weights and Measures Act of 5 Geo. IV., chapter 74, and 6 Geo. IV., chapter 12, the fiars' prices of grain were ascertained by the Imperial quarter, and of oatmeal by the boll of 140 pounds Imperial.

In Renfrewshire, since the year 1833, the fiars' prices have been ascertained and fixed with great exactitude by the Sheriff and an assize of 15 jurors, at a court held annually, to which witnesses are called and examined from each parish in the county, these witnesses being the most extensive growers or buyers and sellers of grain, including millers, brewers, farmers, and grain dealers. The jurors are also assisted by one or more accountants among the jury.

In reference generally to the records of the Fiars' Court of Renfrewshire, we may state that the minutes or any other record of the proceedings at these courts, prior to the date of the Act of Sederunt, 1723, are not now to be found among the Judicial Records of the County in the Record Room. The records, too, from 1733 till 1748, when the office of Heritable Sheriff was abolished, are also wanting, and we have therefore no evidence of the manner in which the Lords Semples and the Earls of Eglinton, the successive Heritable Sheriffs of the County, performed their duty of striking the fiars. From 1748 till 1773, from 1786 to 1791, from 1812 to 1815, and from 1819 to 1827, the minute-books of the Fiars' Courts seem to have been abstracted from the Record Room, none of them being now to be found there. It would appear, however, that so recently as 1812 the Fiars' Court minutes from 1754 to 1773, as well as others amissing of more recent dates, must have been then in the Record Room, as Mr. Wilson, in his "History of the Agriculture of Renfrewshire," seems to have used them when referring to the prices of grain in the county, although his statements of the fiars do not always agree with the minutes of the Fiars' Court.

In making up a list of the fiars' prices of the county from 1754 to 1876, we have been obliged to have recourse to such evidence as we could procure from various sources for the years for which we have no authentic evidence in the minutes of the Fiars' Courts, and we may be again excused for reiterating our regret that so many of those minute-books and documents which ought to have formed part of the Judicial Records of the County, and been carefully preserved for public use, have either been abstracted from the Record Room without acknowledgement or have been destroyed, like many others, through inattention, by damp, and want of ventilation. We trust that although the information now given must necessarily have little attraction for general readers, it will still be valuable and interesting; but, whatever the estimate of this information may be, it is obvious that any account of the County Judicial Records would

not have been complete unless there had been given a brief history of "the striking of the fiars,"—a duty, and an important one, of the Sheriffs of the County.

Renfrewshire Fiars, 1754 to 1875.



WE have, in the preceding paper, given a brief history of the striking of the fiars' prices in Renfrewshire for a period of 121 years.

In Renfrewshire, since 1830, the mode adopted for ascertaining the average annual prices of the best and medium qualities of grain grown in the county, and the price of oatmeal, has been such as to secure the greatest exactness in the striking of the fiars. This mode is as follows:—The Sheriff issues in February each year a precept for summoning 45 assizers from among the heritors, distillers, brewers, farmers, grain dealers, and bankers in the county, and also two or more witnesses who are growers or purchasers of grain, from each parish in the county (to the last of whom schedules are delivered to enable them to make out and produce a detailed statement of their purchases or sales), to appear at a Fiars' Court held by him in March, when a jury of 15 is impannelled and a chancellor chosen; and the evidence of all the witnesses being taken on oath, and their schedules examined, the jury, on which one or more accountants are always placed, proceed to ascertain the average prices per Imperial quarter of the best and medium qualities of wheat, oats, barley, bere, beans, and peas grown in the county, and bought or sold from 1st November preceding, and also the average price of oatmeal per 140 lbs. Imperial; and the jury having prepared their verdict according to the evidence, it is authenticated by the signature of their chancellor, when the Sheriff interpones his authority thereto, and thus strikes or fixes the fiars' prices for the year. By these fiars' prices, as before stated, the payment of Crown duties, stipends, and rents payable in grain or oatmeal are regulated.

The following tables of the fiars' prices from 1754 to 1875, with the exception of the years 1813 and 1814, of which we have not been able to find returns, have been prepared from the minutes of

the Fiares' Courts, except for the few years where the minutes are amissing, when recourse has, as explained above, been had to other reliable sources of information. Where in any year no evidence has been submitted to the jury of the price of any kind of grain, and fiares' prices not fixed, it is marked "No evidence."

TABLE I.
FIARS' PRICES, 1754-1826.
BRITISH GRAIN BOUGHT OR SOLD IN THE COUNTY.

MEDIUM QUALITY, PER BOLL.

Year.	Wheat.	Beans and Pease.	Barley.	Bere.	Oats.	Oatmeal, per 8 Stones Troy
	No evidence.	No evidence.	£o 10 o	£o 10 o	£o 9 10	£o 10 8
1754.	No evidence.	No evidence.	£o 10 o	£o 10 o	£o 9 10	£o 10 8
1755.	"	"	o 13 4	o 13 4	o 10 5	o 14 o
1756.	"	"	o 18 4	o 18 4	o 14 2	o 19 o
1757.	"	"	o 15 o	o 15 o	o 13 4	o 15 o
1758.	"	"	o 9 2	o 9 2	o 8 4	o 9 4
1759.	"	"	o 9 2	o 9 2	o 9 o	o 9 7½
1760.	"	"	o 9 10	o 9 10	o 8 8	o 10 5
1761.	"	"	o 12 2	o 12 2	o 11 o	o 12 4
1762.	"	"	o 14 6	o 14 6	o 14 6	o 16 o
1763.	"	"	o 14 2	o 14 2	o 11 o	o 12 8
1764.	"	"	o 14 8	o 14 8	o 11 6	o 14 8
1765.	"	"	o 19 9	o 19 9	o 15 4	o 18 8
1766.	"	"	o 19 o	o 19 o	o 13 4	o 18 8
1767.	"	"	o 18 2	o 18 2	o 13 6½	o 17 2
1768.	"	"	o 13 4	o 13 4	o 11 o	o 13 4
1769.	"	"	o 17 3½	o 17 3½	o 13 6	o 16 o
1770.	"	"	o 15 9	o 15 9	o 14 6	o 16 o
1771.	"	"	o 17 7½	o 17 7½	o 13 11½	o 17 2½
1772.	"	"	o 17 6	o 17 6	o 13 6	o 16 8
1773.	£1 2 o	£1 o o	o 19 6	o 19 6	o 15 o	o 17 4
1774.	1 1 10	1 12 o	1 4 o	1 4 o	o 16 o	o 16 o
1775.	2 8 o	1 12 o	1 4 o	1 4 o	o 16 o	o 16 o
1776.	1 15 o	1 6 6½	1 1 o	o 16 5	o 14 2	o 12 o
1777.	1 18 o	1 3 8	o 18 10	o 17 6	o 15 o	o 13 4
1778.	2 8 o	1 8 5¾	1 o o	o 18 8	o 15 1	o 14 o
1779.	1 17 o	1 4 2½	1 1 9	1 4 o	1 o o	o 14 8
1780.	1 9 o	o 19 7	o 17 7	o 16 8	o 15 4	o 14 3
1781.	1 19 3	1 o 9	o 19 3	o 16 6½	1 o 3	o 13 o
1782.	1 18 9	1 5 o	o 17 4	o 14 6	o 15 o	o 13 5
1783.	2 9 6	2 1 3	1 13 5	No evidence.	1 1 10	1 1 4
1784.	1 16 8	1 4 8	1 16 4	1 9 4	1 2 8	o 19 o
1785.	1 17 2	1 14 3	o 18 7	1 5 3	o 19 1	o 14 5
1786.	1 17 5	1 9 8	1 o 10	o 18 3	o 16 o	o 17 9½
1787.	o 18 3	o 17 o	o 15 o	o 15 o	o 12 o	o 15 8
1788.	1 1 6	o 14 9	o 16 11	o 16 11	o 12 1	o 15 4½
1789.	1 5 o	o 16 7½	o 14 11½	o 14 11½	o 13 o	o 15 o
1790.	1 1 8	o 17 2	o 16 11	o 16 11	o 13 o	o 15 o
1791.	1 1 1½	o 18 10½	1 o 11½	o 17 o	o 15 9½	o 18 8¾
1792.	1 2 7½	o 17 1	o 19 9½	No evidence.	o 14 1¼	o 16 11½
1793.	1 3 11¾	1 2 3	o 17 6	o 16 1¼	o 17 6	o 18 4

Year.	Wheat.	Beans and Pease.	Barley.	Bere.	Oats.	Oatmeal, per 3 Stones Troy
1794.	1 7½	1 0 10½	1 2 1½	0 19 1½	0 16 8¾	0 18 1½
1795.	£1 16 4½	£1 2 0¾	£1 14 11½	£1 2 0½	£0 17 10	£0 18 4
1796.	1 18 7¾	1 4 8¾	1 5 10	1 1 0	0 19 0½	1 2 0
1797.	1 18 9¾	0 19 10¾	1 2 1	0 17 10	0 15 3	0 16 9
1798.	1 4 9¾	0 19 5¾	0 16 8¾	0 15 10¾	0 19 5¼	0 17 8¾
1799.	1 11 1½	1 3 2	1 5 4¾	1 4 4½	1 0 3	1 1 2½
1800.	2 18 8½	2 4 9½	2 1 11	2 5 0	1 17 11¾	2 3 8½
1801.	2 13 2	2 1 11¾	1 18 6½	No evidence.	1 12 7½	1 0 9
1802.	1 16 9	1 11 5½	1 3 9¾	No evidence.	0 17 5¼	0 16 7¼
1803.	1 8 4¾	1 4 2	1 2 1¾	1 4 0	0 19 9½	1 0 2½
1804.	1 15 3	1 3 5½	1 3 4½	No evidence.	0 19 6	1 6 1½
1805.	1 18 6½	1 4 0	1 12 4	1 15 0	1 2 6	1 2 10
1806.	1 10 7	1 4 3¾	1 6 6	No evidence.	1 1 5½	1 2 4¾
1807.	1 15 2¾	1 17 11	1 13 6	1 12 0	1 6 4	1 9 10½
1808.	1 15 4	1 17 11	1 13 6	1 12 0	1 6 4	1 9 10½
1809.	2 8 2	1 19 0	1 12 1½	1 12 1	1 10 0	1 10 6
1810.	2 1 0	1 15 6	1 4 6	1 12 0	1 5 0	1 6 7
1811.	1 10 7	1 6 6	1 12 10	No evidence.	1 1 0	1 3 9
1812.	2 5 0	1 18 6	1 16 4	2 8 0	1 13 6	1 9 6
1813.	....	....	....	....	....	....
1814.	....	....	....	....	....	....
1815.	1 11 1	1 3 6	1 4 0	1 2 0	0 19 0	1 1 0
1816.	1 6 7	0 18 7	0 18 6	0 18 7	0 17 2	0 17 0
1817.	2 6 8	1 15 0	1 16 0	1 16 0	1 12 0	1 14 8
1818.	2 0 2	1 16 3	1 16 6	1 16 6	1 13 6	1 13 5
1819.	1 6 6¾	1 6 6	1 18 9	1 15 11	1 18 9	1 18 9
1820.	1 6 8½	1 1 1	1 0 1½	1 0 1¼	0 17 10	0 17 3
1821.	1 7 4	0 19 3	0 18 10½	0 18 2½	0 18 4	0 17 4¾
1822.	0 18 6	0 17 3	0 17 3	0 17 3	0 15 6	0 14 5
1823.	1 3 7	1 5 0	1 2 2½	1 2 2½	0 17 11	1 0 3
1824.	1 10 3¾	1 2 11	1 8 3	1 8 3	0 18 1	0 18 6
1825.	1 10 8¾	1 5 5½	1 10 9½	1 10 9½	0 18 0½	0 19 0
1826.	1 9 7	1 10 0	1 10 2½	1 10 2½	1 4 4	1 4 7

By the above table it will be observed that from the years 1754 to 1826 it was the practice to strike the averages from sales of British grain brought into and bought and sold within the county, along with those of grain the growth of the county; and our first table gives the average prices, thus ascertained in our county court. This mode of including British grown grain was not in accordance with the Act of James VI., or the Act of Sederunt already quoted, which required the average fiars price to be struck from grain "The product of the county." From 1826 a more correct and legal mode of striking the average has been adopted, and the evidence of sales and purchases of grain, from which the averages are taken, have since that period been confined to the grain grown in the county. The averages thus ascertained are given in our second table, which will be found on the two immediately succeeding pages.

TABLE II.
FIARS' PRICES, 1827-1875.
GRAIN GROWN IN THE COUNTY.

Year.	PER BOLL.					
	Wheat.	Beans and Pease.	Barley.	Bere.	Oats.	Oatmeal, per 8 Stones Troy
1827.	Best, £1 5 2¾	£1 4 4¾	£0 18 8¼	No evidence.	£0 17 6	£0 15 10
	Med., 1 4 7½	1 3 9¾	No evidence.	„	0 16 10	No evidence.
1828.	Best, 1 12 0	1 4 5½	1 9 0	£1 9 0	1 0 5	0 19 11
	Med., No evidence.	1 4 1	1 8 10	1 8 10	0 19 6	No evidence.
1829.	Best, 1 7 5	1 14 0	1 7 8½	1 5 5	0 18 2¾	0 17 3
	Med., 1 6 11	No evidence.	1 7 3½	No evidence.	No evidence.	0 16 11½
PER IMPERIAL QUARTER.						
	140 Lbs. Avoirdupois.					
1830.	Best, £2 16 11	£1 7 4½	£1 10 3	No evidence.	£1 7 0¾	£1 6 7
	Med., 2 15 5½	1 6 4½	1 10 0	„	1 6 4	1 0 5½
1831.	Best, 2 14 2¾	1 16 6	1 12 8	£1 9 11	1 2 7½	0 16 7½
	Med., 2 15 6½	1 15 9½	1 12 3	1 9 7	1 1 8¼	No evidence.
1832.	Best, 2 12 7	1 12 1	1 13 4½	1 11 7½	1 0 4	0 14 7½
	Med., 2 11 4	1 11 3	1 13 1	1 11 0	0 18 11¾	0 14 7
	Best, 2 7 6¼	1 13 0	1 9 6	1 8 4¾	0 18 8	0 14 9¾
1833.	Med., 2 6 10¼	No evidence.	1 9 2	No evidence.	0 18 5½	0 14 9½
	Best, 2 0 9½	1 12 11	1 8 3½	1 5 2	1 2 6	0 15 10¼
1834.	Med., 1 19 11	1 11 7½	1 6 8¾	1 4 6¼	0 19 10½	No evidence.
	Best, 1 7 1½	1 14 0	1 8 3	1 3 8	1 0 10½	0 16 5¼
1835.	Med., 1 16 5	No evidence.	1 6 11½	No evidence.	1 0 2	0 16 4¾
	Best, 1 17 0½	No evidence.	1 8 3	1 3 8½	1 0 10½	0 16 5¾
1836.	Med., 1 16 5¼	1 14 0	1 6 11½	No evidence.	1 0 2	0 16 4¾
	Best, 2 7 8¾	No evidence.	1 9 9	1 7 5	1 3 10	1 2 6½
1837.	Med., 2 6 8	„	1 9 0½	No evidence.	1 1 11	1 2 4¾
	Best, 2 15 2½	2 4 0	1 14 2½	1 9 6	1 4 5	1 0 7¼
1838.	Med., 2 12 7	No evidence.	1 12 8½	1 9 2	1 3 0¾	No evidence.
	Best, 2 4 1¾	„	1 15 9½	1 10 6	1 3 10½	1 0 7¼
1839.	Med., 2 2 10¾	„	1 13 1½	1 8 5	1 2 7½	1 0 7
	Best, 2 13 1	1 18 0	1 10 10	1 9 2	1 1 5	0 17 5
1840.	Med., 2 11 1	No evidence.	1 9 6	1 8 5	1 1 7	0 17 5
	Best, 2 16 7	1 19 0	1 17 2	1 6 10½	1 1 9	0 17 1
1841.	Med., 2 14 7	1 13 2	1 8 10	1 4 8¼	1 0 6	0 17 0¾
	Best, 2 6 0¾	1 12 6	1 6 4¾	1 6 1	0 17 10	0 13 11
1842.	Med., 2 5 1	No evidence.	1 6 1	1 1 8	0 17 3	0 13 9
	Best, 2 7 8	1 9 6	1 8 6	1 4 9	0 17 1	0 13 2
1843.	Med., 2 6 11	1 8 2	1 7 3	1 4 0	0 16 5	0 13 0
	Best, 2 5 6	2 2 0	1 9 5	1 6 5	1 0 1	0 15 2¾
1844.	Med., 2 5 1	1 15 3	1 7 7	1 4 5	0 19 1	0 15 2½
	Best, 2 9 10	2 1 6	1 12 2	1 7 6	1 6 3	1 8 10
1845.	Med., 2 7 11	1 17 2	1 10 4	1 7 1	1 5 1	1 0 9½
	Best, 3 3 5	3 0 0	1 17 4	1 13 3	1 13 6	1 7 2
1846.	Med., 3 3 6	2 19 4	1 16 1	1 11 8	1 12 0¾	1 7 0¾
	Best, 2 11 11¾	1 17 9	1 11 5¾	1 9 3½	1 3 2	0 17 8¾
1847.	Med., 2 10 8½	1 17 2	1 10 0¼	1 2 2¼	1 2 7	0 17 8½
	Best, 2 6 10	1 10 5	1 8 6	1 5 6	1 0 7½	0 15 0½
1848.	Med., 2 6 1	1 9 8¼	1 7 0¾	1 4 8	0 19 11	0 14 11
	Best, 1 15 7	1 8 1	1 3 3½	1 1 4	0 17 9	0 13 2¼
1849.	Med., 1 15 2	1 7 1	1 1 9¾	1 0 3¼	0 16 9	0 13 1¾
	Best, 1 17 4¼	1 9 4	1 4 2¼	1 3 6¾	0 17 7	0 13 6
1850.	Med., 1 17 0	1 9 3¼	1 3 0¼	1 2 3¼	0 16 8¼	0 13 4

Year.	Wheat.	Beans and Pease.	Barley.	Bere.	Oats.	Oatmeal, per 140 Lbs. Avoirdupois.
1851.	Best, £1 16 2	£1 11 9	£1 4 4¾	£1 3 5	£0 19 0½	£0 14 5
	Med., 1 15 11½	1 11 5	1 3 3	1 2 5	0 18 7½	0 14 4
1852.	Best, 2 3 4	1 17 8½	1 6 8¾	1 5 5¼	0 19 11¾	0 14 9¾
	Med., 2 3 5	1 17 7	1 5 6¾	1 4 4	0 19 5½	0 14 8¾
1853.	Best, 3 4 0	2 12 9½	1 16 11½	1 11 10	1 6 5	1 1 6¾
	Med., 3 2 4¾	2 11 1¼	1 12 10¼	1 8 11¾	1 5 3	1 1 5¼
1854.	Best, 3 4 10¾	2 9 0¾	1 11 8¾	1 11 8	1 7 10¾	1 1 0½
	Med., 3 3 5	2 9 0¾	1 9 9½	1 10 8	1 7 1¾	1 1 0¼
1855.	Best, 3 9 0½	2 6 5	1 18 2	1 17 4	1 8 9½	1 1 3
	Med., 3 7 7	2 5 11	1 11 8	No evidence.	1 7 5¾	No evidence.
1856.	Best, 2 9 8¾	2 2 0	2 0 8¾	1 18 4	1 5 6	0 19 11
	Med., 2 8 1¼	2 1 6½	1 19 1¼	No evidence.	1 3 8¾	0 19 10¾
1857.	Best, 2 5 8¾	2 2 4	1 11 11½	1 9 3	1 3 0½	0 18 0
	Med., 2 5 0	2 0 10½	1 9 7¾	1 9 2	1 1 8¾	0 17 10¼
1858.	Best, 2 0 7½	2 2 4	1 8 8½	1 5 0	1 2 9¼	0 16 11¼
	Med., 1 9 10¾	2 2 2	1 6 7¼	1 4 3	1 2 1¼	0 16 11
1859.	Best, 2 2 10	2 5 0	1 9 4	No evidence.	1 3 8½	0 19 2½
	Med., 2 2 4	2 4 8	1 8 8	"	1 2 6½	0 19 0½
1860.	Best, 2 8 11	2 14 0	1 13 5	1 9 7½	1 6 0	1 0 11¼
	Med., 2 6 0½	2 7 3	1 11 3¾	No evidence.	1 4 11¼	1 0 10
1861.	Best, 2 13 2¾	2 3 6	1 11 3	"	1 4 8	0 19 10¾
	Med., 2 11 6½	No evidence.	1 8 4½	"	1 3 5¾	0 19 9
1862.	Best, 1 17 3	1 18 0	1 8 1	1 7 4½	1 4 1¼	0 18 7
	Med., 1 15 4½	No evidence.	1 5 10	No evidence.	1 2 5	0 18 5¾
1863.	Best, 1 16 11¾	1 13 10	1 7 11¼	1 5 0	0 19 9¼	0 15 9
	Med., 1 15 9½	1 12 7	1 6 9¾	1 2 6	0 19 0	0 15 8¾
1864.	Best, 1 13 2¾	1 18 1½	1 5 9	No evidence.	0 17 8½	0 14 1½
	Med., 1 12 0¼	1 16 4	1 4 7	"	0 17 8½	0 14 1
1865.	Best, 2 3 8	2 4 6	1 8 10¼	"	1 13 10	0 18 2
	Med., 2 2 5½	No evidence.	1 7 3¾	"	1 2 11	No evidence.
1866.	Best, 2 14 6	2 7 9	1 13 8½	"	1 7 8¾	1 1 4½
	Med., 2 13 1	2 7 5	1 12 5½	"	1 6 7¾	1 1 2
1867.	Best, 2 16 0	2 11 4	1 18 1	"	1 7 3	1 3 0½
	Med., 2 14 5½	2 11 9	No evidence.	"	1 6 6½	No evidence.
1868.	Best, 2 6 0½	2 10 7¾	1 18 10½	"	1 7 6	1 1 5½
	Med., 2 5 10¼	No evidence.	No evidence.	"	1 7 0	1 1 5½
1869.	Best, 2 0 2¾	2 2 4	1 13 8½	"	1 4 6¾	0 19 0½
	Med., 1 18 10¼	No evidence.	1 11 6	"	1 4 3	No evidence.
1870.	Best, 2 7 0¾	2 4 0½	1 13 0	"	1 4 4	0 18 7¾
	Med., 2 6 7¼	No evidence.	No evidence.	"	1 3 11¾	0 18 6¾
1871.	Best, 2 13 4¾	2 3 8	1 12 6	"	1 5 8¼	0 19 7
	Med., 2 13 1	No evidence.	1 11 5¾	"	1 4 10¾	0 19 6¾
1872.	Best, 1 8 11	1 19 11¼	1 9 2½	"	1 3 7¼	1 0 7
	Med., 1 8 2¾	No evidence.	No evidence.	"	1 2 1¼	1 0 4½
1873.	Best, 2 12 10½	2 5 0	1 14 9¾	"	1 6 9¾	1 1 7
	Med., 2 10 1	No evidence.	1 13 5¼	"	1 6 3½	1 0 4½
1874.	Best, 1 19 6¾	2 8 7¾	1 15 11	"	1 6 3½	1 0 8½
	Med., 1 19 0½	2 8 8½	1 14 7	"	1 5 8	1 0 8½
1875.	Best, 2 1 1¾	2 6 0	1 13 3¾	"	1 6 4¾	1 0 9¾
	Med., 2 0 4¾	2 4 10½	1 12 9	"	1 6 3	1 0 9¾

In closing this subject, it may be remarked that the want of uniformity in the mode of ascertaining the fiars' prices in the counties in Scotland would seem to call for legislative interference. The payments made of royal duties, stipends, and rents, according

to the fiars' prices, are very considerable, and a just and uniform system fixed by Act of Parliament should be adopted for determining these prices annually. It would seem to be necessary also, where evidence cannot be procured of sales and prices of any kind of grain, as often happens in our own county, where, for instance, little, if any, bere is now grown, that evidence of such sales and prices in adjoining counties should be admitted for supplying the want, and this and some other provisions for securing generally a fair and equitable and more uniform system might be introduced into the Act with benefit to all concerned.



1818.

John Maxwell.
(Bart. of Pollok.)

John Maxwell Jr.
(Yr. of Pollok.)

Math Feirs.
(of Elderslie.)

Dunrymore.
(of Caldwell.)

Boyd Almond.
(of Southbar.)

W^m Milliken Napier.
(Bart. of Miliken)

Jm Napier.
(of Blackstone.)

Walter Logan.
(of Fingalton.)

Arch Campbell.
(of Blythswood.)

John Howie.
(of Hasleden.)

1830.

William Maxwell.
(of Brediland.)

Wm Wilson.
(of Cowglen.)

John Wilson.
(of Hurlot.)

Wm Houslow.
(Johnstone Castle.)

H Macdowell.
(of Garthland.)

Jas Dunlop.
(of Arthurlie.)

Wm Stevenson.
(of Crosslie.)

Huminghame.
(of Craigends.)

Robert Wallace.
(of Kelly.)

Robert Freeland.
(of Gryffe Castle.)

Rob Stewart.
(of Stewarthall.)



SECTION II.
OLD COUNTY FAMILIES AND ESTATES.

Napiers of Blackstone.

CRAWFURD, in his "History of Renfrewshire," (1710) tells us that upon the river Black Cart stood the House of Blackstone, adorned with large orchards and yeards and beautified with planting. It was the summer dwelling or country house of the Abbot of Paisley, and was built by George Schaw, Abbot of the Monastery, in the reign of King James IV.; and after the erection of the lands belonging to the monks of Paisley, in favour of the family of Abercorn, the house was much improved by James, the First Earl of Abercorn. This house, which had so much delighted our county historian, was, about 1730, accidentally and totally destroyed by fire, but was soon thereafter rebuilt, as Semple in his continuation of Crawford says, in modern fashion, with a pavilion roof, it being an elegant house, having a fine green court in front, looking to the south-east. In our first volume we had occasion to take notice of the orchards and yeards of Blackstone, and published the leases thereof for crops 1687 and 1705. These orchards were of considerable extent, and yielded large rents; and we also, in our notice of the leases, drew attention to some curious conditions in them, whereby the fruit of two trees,—the Muirfowl egg pear and Cambusnethen or Coltness pippin apple, and certain plums, were reserved for "my Lady Napier's ain use." This pear and the pippin apple, although now universally cultivated, were, two centuries ago, rare and valuable varieties.

The mansion house referred to by Semple still stands; but of the beauty of its "orchards, yeards, and plantations," and other surrounding attractions, nothing can now favourably be said,—these having given way, as the amenities of other places have, to the development of valuable minerals so generally discovered and wrought over the county. The mansion house was

occupied from the time the estate came into the hands of the Napiers, by the successive heads of the family till 1843, when the Blackstone Estate was sold by the trustee on the bankrupt estate of the then proprietor, William Napier.

The Napiers of Blackstone were of long standing in the county, and of distinguished origin, being descended from John Napier, Baron of Merchiston, the renowned mathematician, and inventor of the Logarithms, whose ancestors again can be traced back to the reign of Alexander III., King of Scots.

Alexander Napier, grandson of the Baron of Merchiston, married Catherine, sole heiress of John Maxwell of Blackstone, and thus obtained the estate of Blackstone. He was succeeded by his son, John Napier, who dying unmarried, the estate came to his brother, Alexander Napier, a captain in the Scots Greys, early in last century. He it was who rebuilt the present mansion house. It is stated, by Semple, that Captain Napier commanded a party of the militia raised in the county to suppress the rebellion in 1745, and on this account a party of the rebels from Glasgow went to Blackstone and plundered the mansion house.

Captain Alexander Napier died in 1750, leaving two sons, the elder of whom died in infancy; and Alexander, his second son, came to the estates. He, like his father, entered the army, having purchased a captaincy in the Foot Guards. The bridge that spans the Black Cart near to Blackstone House, was built by him in 1762, and was reserved for his own private use. He soon sold his commission, and retired from the army, and devoted himself to the improvement of the lands of his Barony, and the making of additions to the buildings. He also planted a portion of the moss, which forms a considerable part of the estate, with firs. The boundaries of the estate are minutely given by Semple; and among other lands by which it was surrounded were those of William Speir, of Burnbrae, an ancestor of the present proprietor.

The Barony, as so described, lies in an extensive plain, and is of a fertile soil, equal to any in the county, and well enclosed. Captain Napier died in 1801, leaving six sons and one daughter, his eldest son, Alexander Napier, succeeding him in his estates.

Alexander Napier, following the example of his father and grandfather, early in life entered the army. He saw much active service in different parts of the world, and obtained the Lieutenant-Colonelcy of the 92nd Highlanders, in Egypt, in 1801; and he

commanded this highly-distinguished regiment in all the services in which it was engaged till 1809, when he was killed at Corunna, at the close of Sir John Moore's unfortunate campaign.

This gallant officer, Colonel Napier, was succeeded in the estate of Blackstone by his brother, William Napier, banker in Greenock, the last of the family who owned the estate.

William Napier, or Captain Napier, under which title he was better known, now deceased, was well-known and highly respected in the county. He was unmarried, and of quiet and reserved manners, and took no particularly active interest in public matters. Being very highly esteemed, he had the undivided sympathy of all that knew him when, under the pressure of pecuniary involvements, through his connection with the Renfrewshire Bank, he was obliged to part with the family estate of Blackstone, so long held by himself and a long and worthy line of ancestors.

The estate of Blackstone was, in 1843, acquired by purchase by the late Thomas Speir, of Burnbrae. Mr. Speir was a descendant of an old family in the county. He and his brother, the late Robert Speir, in early life went to India, where success attended their mercantile enterprise; and returning to their native county, after a comparatively short residence in India, Mr. Thomas Speir invested a part of his wealth thus honourably acquired in the purchase of Blackstone Estate, while his brother, Mr. Robert Speir, became proprietor of the estate of Culdees in Perthshire. When Mr. Thomas Speir got possession of Blackstone, he devoted the sagacity and energy which had distinguished him as an Indian merchant, to its general improvement, and more particularly to the conversion of the Blackstone Moss into valuable arable land, and the development of the valuable minerals with which the estate abounds, in which enterprises he was very successful. It will serve to show the extent of the improvement made by him on the lands of Blackstone, to state that the rental which in 1843 was £1850, was in 1875 increased to £3969 3s.,—including £1479 for lordship of minerals.

Mr. Thomas Speir gave much of his attention to public business for many years, and from 1865 to 1874 occupied the honourable position of Convener of the County of Renfrew. He was a shrewd and careful guardian of the finances of the county, ever opposing unnecessary expenditure and consequent public taxation. He took a lively interest in every public question in Parliament, bringing, in a clear and business-like manner, whatever affected the interests of

the county under the attention of the Commissioners of Supply. He presided over their meetings with dignity and ability, and so managed the business of the county as to call forth a universal expression of regret and the thanks of the county when, through advancing years and failing health, he resigned the convenership.

Mr. Speir died in 1874, and was succeeded in his whole estates, including Blackstone, by his nephew, Robert Thomas Napier Speir, son of his brother, the late Robert Speir of Culdees.

Our notice of this old and influential county family is necessarily brief, as the County Records have afforded little assistance for learning its history, and made us to rely chiefly on Crawford's History of the County, and its continuations by Semple and Robertson. We are enabled, however, to give an interesting description of the contents of Blackstone House at the time of the death, in 1750, of Alexander Napier, the then proprietor, from a judicial inventory of the furniture and plenishing of the house prepared by his executors, a copy of which *in extenso*, along with the Rent Roll of the Estate in 1749, will be found in our Section, "Rents, Prices, etc.," in the latter portion of the volume. The inventory will be found interesting, as marking what a comparatively small number of plain and inexpensive articles for the furnishing of the principal apartments was considered sufficient for the comfort and use of such a family a century ago, and as contrasting with the style of plenishing of a modern house, or with what is now deemed necessary to meet the requirements of a family of much lower position. The inventory, moreover, reveals the studied economy and industry of the ladies of the Blackstone family, it being curious to remark the number of china and stone-ware articles carefully preserved for use by clasping—such fractured articles not having been thrown aside, but mended, and thus rendered fit for use; while the napery presses tell how assiduously and profitably the ladies had devoted themselves to the use of the four wool and lint spinning wheels—big and small—recorded in the inventory. It would, we fear, outrage present ideas of comfort were dining-room, parlour, and bed-room floors covered with Scotch mats, and were the plate chest only to contain such articles of silver and silver-plate as we find in this inventory.

Walkinshaws of Walkinshaw.



HIS family was one of the oldest in the county, their origin going back to the thirteenth century. Crawford says that a little towards the north from Blackstone, upon the confluence of Black Cart and Gryffe, stands the house and lands of Walkinshaw, the seat of an ancient family in his shire, deriving their pedigree from one Dungalus Filius Christinit Judices de Levena, who exercised jurisdiction over the vassals and tenants of the Earl of Lennox, who exchanged the lands of Knoc with the Abbot and Convent of Paisley for the lands of Walkinshaw, in the year 1235, as proved by the Chartulary of the Monastery, folio 105. The lands of Walkinshaw thus obtained continued in possession of the descendants of Dungalus, who had assumed the surname and designation of Walkinshaw of Walkinshaw, until they became divided into Easter and Wester Walkinshaw in the fifteenth century, by failure of direct male descent in the then proprietor, who, leaving two daughters and co-heiresses, Easter Walkinshaw went with one by marriage to the Mortons, and Wester Walkinshaw also by marriage with the other to Walkinshaw of Little Fulwood. Walkinshaw of Little Fulwood having thus become next heir of the family of Walkinshaw, took the designation of Walkinshaw of that ilk. Patrick Walkinshaw obtained a charter of confirmation of the lands of Wester Walkinshaw from the Abbot of Paisley, in 1464. This the principal branch of the family failed a second time in the person of John Walkinshaw, who died without male succession in 1636, when his estate descended to John Walkinshaw of Garturk, who was succeeded by his son, Gavin Walkinshaw, who sold his estate to James Walkinshaw, merchant in Glasgow, and he, dying in 1708, his son, John Walkinshaw, came into possession. Robertson, in his continuation of Crawford's History, says of Easter and Wester Walkinshaw, that these estates had passed through several hands, and that in 1818 they belonged to Boyd Alexander of Southbar, and in his name were enrolled in the Cess Books of the County. They are now in possession of his descendants.

Like very many of the old families of Renfrewshire, the Walkinshaws have ceased to have any territorial connection with it. In the 17th and 18th centuries, they intermarried with some of the most influential families in the county, and although their estates

were never very extensive, they held a good position among the aristocracy, and from their near neighbourhood to Paisley had much and close intercourse with its inhabitants, and several of the females of the family were connected by marriage with ministers and merchants of the Burgh. This family name, so long known and respected in Renfrewshire, has passed away from the county, and is now only to be found in the pages of its history. The examination of the Records reveals, among other things, the remarkable changes which, during the last and present centuries, have taken place among the aristocracy of the county; and those who are disposed to respect and honour ancient lineage—a universal feeling at one time, and yet not uncommon among the Scotch—must greatly regret to find that names and families that once held a high place in the county, and often found a place in national as well as local history, have so completely disappeared that to the present generation they are unknown. Thus the families of Lennox, Eglinton, Semple, Cathcart, Cochrane of Dundonald, some branches of the Napiers, and many others, are sought for in vain in the valuation rolls, and have ceased to have any direct interest in local matters. The Walkinshaw family, although not in the highest rank, occupied a good position among our county aristocracy, and being more immediately connected with Paisley, their non-existence as proprietors is matter of regret, however worthy and able their successors may be to supply their place.

In the year 1713, the then proprietor of Walkinshaw was bereaved of his wife, and the document, having reference to her funeral we now quote, is rather curious and interesting. It would seem that to carry out the pomp and pageantry which were then deemed necessary at a funeral,—if due respect was to be rendered to the memory of deceased,—it was usual in the case of persons of rank or high station to apply to the Herald Office, in order that the usual emblazonments of arms and trappings might be duly set forth at the funeral; and in the document we refer to, we have a description of the “Funeral Painting of ye Lady Walkinshaw,” that is, of the arms, achievements on the escutcheon, and the fanciful decoration of the coffin, and the trappings of the hearse and horses, all of which are minutely set forth, and charged for, in an account amounting to £299 8s. Scots, by “Henry Fraizer, Herald Painter.” Among the items we find “morthheads and tears for the lozing arms;” “mort-

heads, branches, ciphers, and tears for the coffin ;” “branches, and small escutcheons with the defunct’s arms thereon, and mort-heads, ciphers, and tears for ye pall ;” “large escutcheons and brow-pieces, with the defunct’s name within a garland thereon, for the horses,” and “sticks for their ears.”

Every one must be struck by the extravagance of display and pomp thought necessary at funerals in our own time, and the great and useless expense thus incurred ; but our forefathers, especially those having rank or position to warrant the cost, went great lengths ; and a funeral two centuries ago, with the aid of the Herald Painter, must have been a grand, and, as appears from the account we publish, very costly affair. But this account refers only to “funeral painting,” and leaves us to imagine what the other expenses of the funeral, as regards feasting and entertainment, must have been, it being the custom at that time to go to great excess in that direction, in order that due respect might be paid to the deceased, and regard had to the rank and position of the family. We regret that the accounts for these are not among the other Walkinshaw papers in the Record Room, but we find from some tradesmen’s accounts, items such as the following against the Laird of Walkinshaw, in connection with the funeral :—

In an account rendered by John Reid, in July, 1713, immediately after the funeral, are the following items :—“Paid by me for a silver “socket yt carries ye candle shears broken at the funeral,” and “For putting in 3 Glasses in the Clocks Head broken.” There would seem therefore to have been some considerable jollification in midst of the mourning, for it is difficult otherwise to account for the damage thus done at the funeral. We find also that Robert Sclater, town officer, charged “Walkinshaw” a very considerable sum for “stabling ye horses,” and among other items the following :—“Item more the sd day to the two Horses that carried away the Wine and Bread from Paisley ;” “item, 5 Pints of Ale to the lads that came with the horses at ye funeral tyme ;” “item, 5 Candle to ye Painter for Scutcheon.” And Arthur Park charges “Item, 12 Pints Brandy and 12 Pints Cherry and 2 Pints Brandy.” These have reference to the funeral, but by no means give us an idea of the whole supplies furnished and cost incurred for the entertainment of the crowd of mourners who would, as was the custom, be assembled at Walkinshaw House on this mournful occasion.

The following is a copy of the “Accompt for the funerall

painting of the Lady Walkinshaw, to Henry Fraizer, Herauld Painter :—

Account for the funerall painting of the Lady Walkinshaw.

July 14, 1715.—To Henry Fraizer, Herauld Painter.

Imp for 1 lozing arms with the whole achievement thereon,.....	£18	0	0
Itt for 8 branches thereto,	24	0	0
Itt for 4 mort heads to the sd lozing arms,	4	0	0
Itt for ciphers and tears thereto,	3	0	0
Itt for 8 branches done in large for the coffine,	26	0	0
Itt for 8 mortheads to the sd coffine,.....	6	0	0
Itt for ciphers and tears thereto,	3	0	0
Itt 8 branches done one white iron plates upon both sides for the pale,	48	0	0
Itt 24 small escutcheons with the defuncts arms thereon for ye pale,	44	0	0
Itt 34 mortheads to the sd pale,.....	34	0	0
Itt for ciphers and tears to the said pale,	6	0	0
Itt for 6 large escutcheons for the horses,.....	36	0	0
Itt for 12 mortheads for the horses,	12	0	0
Itt for 12 theins for the horse ears guilded on black teffetae,	18	0	0
Itt for 6 browpieces for the horse with ye defuncts name within a gar- land thereon,.....	7	4	0
Itt for 8 white iron plates the branches were painted one,	4	0	0
Itt for 8 iron pikes the plates stood one,	4	0	0
Itt for blacking the frames and sticks for the horse ears,	0	18	0
Itt to the taylor for sewing the searge to the lozing arms,	0	18	0
Scots,.....	£299	8	0

Walkinshaw of "that Elk's" Doctor's Bill, 1712-20.



F the Rent Rolls and Inventories of Household Plenishing of our old families interest us, by the glimpses they afford of the worldly means and comforts our forefathers had at command, their mediciners' bills are beyond question one of the best means of judging how they were administered to and charged for attendance in cases of sickness. Fortunately, there is no scarcity of such documents amongst the County Records; and we select one for publication connected with the Walkinshaw family, which, from the fulness of its details, affords valuable information in this branch of family expenditure. This account

seems to have been incurred, between 1714 and 1720, by Walkinshaw of that Ilk to Dr. Campbell, "mediciner in Paisley," and one of the Bailies of the Burgh; and who, with Dr. How of Kilbarchan, enjoyed the reputation of being at that time at the head of the medical profession in the district, and being called upon for attendance or consultation by the local aristocratic families of the County. The charge against Mr. Walkinshaw for attendance is certainly very reasonable,—one item of the account being "£100 Scots for attendance for six or seven years bypast." This, being equivalent to £8 6s. 8d. sterling, is something like what is now expected by a Glasgow physician of first-class standing for a visit and consultation in Paisley or neighbourhood, and is an additional evidence of the change in the value of money since 1714, as well as of the value and importance attached to medical advice. The present increased charge for attendance, however, is possibly not more than the progress made in medical science and the existing plethora of money warrants. Certain items of the account are curiously suggestive; such as "himself ane vomiter," "Dyett Drink," "Materials for a purgative infusion," and "Materials for his ordinar drink," which seem to indicate a jolly life, and attendant bilious condition of stomach; whilst such items as "Oyntment for the Itch" raise the doubt whether this proverbially Scotch disease, said to be so prevalent in old times, was entirely confined to the lower or spread up occasionally to the better classes. "Materials for ane antieplegtick infusion in wine," and one or two others, are possibly examples of the way in which "mediciners" then, as in modern times, loved to disguise under mystic names medicines of a very ordinary character. The charges in the bill refer almost exclusively to the Laird himself, although there are some for drugs supplied "to Mrs. Bettie," and "to a servant John Lang," and also for "ane pott of oyntment for the Laird's horse." There is also an item of "£45 Scots for a horse sold to Walkensha;" while the account, after a long string of items for drugs, closes with a not unnatural, though rather lugubrious charge, being "Item, ane large cerecloth, £66 13s. 4d.," but whether this was anticipatory of the Laird's decease, or was put into the account when rendered to his executors after his death, cannot now be known. Although so moderate in his charges for attendance, the charges for drugs are very numerous and minute, the total of the account being £431 9s. 2d. Scots.

This affords reasonable grounds for the presumption that the doctor's profit lay in a great measure in his charges for medicines. Lastly, it seems to have been the practice in those days to give long credits, for we find the first charge in the account to be "Item, ane accompt given in to him is £168 12s. 4d." Scots. We trust these observations will induce our readers to peruse this rather curious account. To the general reader these details may at first sight appear dry and uninteresting; but once the true spirit of investigation is aroused, he will find in them the elements of a right appreciation of the social condition and characteristics of our forefathers, and an amount of valuable information that has been too much in the habit of being passed over by our historians, who have too frequently written the history of the country to the neglect of the history of the people.

WALKENSHAW OF YT ILK, HIS ACCOMPT.

September, 1720.

	Imp: p ane Accompt Given in to him is	£168	12	4
Feb i.	Item for fine borx,	000	06	0
	It for oxeceroy,	00	16	0
	It for Rosin,	00	01	0
May 17.	It for oyl of mace,	00	07	0
	It for fine mastick,	00	06	0
May 17ii, 19.	It to himself for moliet plaster,	00	02	0
22.	It for 3 ozs of oyntment for the itch,	00	02	0
	It to him, ane vomiter,	00	10	0
June 10.	It to him, materials for a dyett drink, ...	02	08	0
	It for Arsnick,	00	02	0
July 25.	It 4 ounces of fine Venus turpentine, ...	00	12	0
Nov. 6.	It for saltpeter,	00	04	0
Dec: ii, ii ii.	It for sallett oyl,	00	03	0
	It for Empl de minio,	00	02	6
March 3, 1712.	It for Venus turpentine,	00	02	0
4.	It half ane ounce of camphire,	01	04	0
	It ane glass with hungary water,	00	11	0
15.	It ane glass with sp: of camphire,	00	08	0
	It his dyett drink,	02	08	0
Aprill 8.	It ane pott of oyntment for his horse, ...	00	16	0
	It four ounces of oyl of turpentine,	00	10	0
June 18.	It to Mrs Bettie, ane pot of oyntment for itch,	00	09	0
ii.	It to your servant, John Lang, ane Line- ment,	00	10	0
17.	It two purges,	00	10	0
	It ane Linement,	00	12	0

Agust 5.	It to himself, ane vomiter,	£00 10 0
Sept. 2i.	It materials for a sacculus purgans,	02 08 0
	It to Mrs. Bettie, materials for ane infu- sion,	01 08 0
	It oz ii aq: camphorata,	00 08 0
Dec. ii, 1713.	It for two clyster at linlithgow,	03 00 0
14.	It ane vomiter,	00 10 0
	It ane glass with ox succini,	00 18 0
	It materials for ane antieplegtick infusion in wine,	£05 11 0
	It materials for a purgative infusion,	02 03 0
16.	It materials for his ordinar drink,	00 18 0
	It the oyl of amber vomit,	00 18 0
	It ane Linement,	01 02 0
	It ane mixture,	00 17 0
	It ane Cordial Julep,	01 10 0
17.	It ane clyster,	01 10 0
	It the Julep renued,	01 10 0
	It the clyster renewed,	01 10 0
		<u>£208 04 10</u>
	It ane Large cerecloth,	66 13 4
	It powders and oyls,	06 00 0
	It to the family for saltpeter,	00 06 0
May 4, 1714.	It to Mrs. Bettie ane plaister,	00 14 00
	It ten dose of spermatiss caiti,	0i 10 00
	It ten dose of volatile salt of harthorn, ...	00 15 0
8.	It ane pott of Conserva vosary,	00 14 0
25.	It the pott of Conserve renued,	00 14 0
June 25.	It to her, ane vomiter,	00 10 0
	It for for cloves,	00 08 0
	It for ane horse sold to Walkinsha,	45 00 0
		<u>123 04 4</u>
	this page,	
	the other page,	<u>208 04 10</u>
	Summa in whole,	<u>331 09 2</u>
	It for attendance for six or seven years bypast,	<u>£100 00 00</u>
	Summa of the whole is,	<u>431 09 02</u>

Semples of Balgreen.



IN the history of Renfrewshire, it is stated that near Castlesemple, in the parish of Lochwinnoch, towards the north, lie the lands of Balgreen.

The Semples of Balgreen were descended from the Semples of Castlesemple, an ancient and, at one time, most influential family in this county, from whom sprung the Semples of Fullwood, Blackburn, Belltrees, Bruntchells, Millbank, Cathcart, and Balgreen,—this last family, however, having the bar sinister in their escutcheon.

In the Belltrees family, we learn there was hereditary poetical talent, several of the lairds in succession having courted the muse; and their poetical effusions, mostly of a humorous character, were well known and highly popular in the county, among them being the epitaph on Habbie Simpson, the piper of Kilbarchan, written by Robert Semple, of Belltrees, about the year 1600. Their writings were collected and published in 1849, under the title of “The Poems of the Sempills of Belltrees, now first collected; with “notes and biographical notices of their lives, by James Paterson, “author of the history of the county of Ayr.”

Robert Semple, of Balgreen, the more immediate subject of these notes, held the office of Sheriff-Depute of Renfrewshire, under the hereditary Sheriff-Principal, the Earl of Eglinton, from 1690, till his death in 1726. The founder of the Balgreen family was John Semple, an illegitimate son of Lord Semple, who came into possession of the lands of Balgreen early in the seventeenth century, by marriage with Margaret Atkine, heiress of Balgreen. John Semple made considerable accessions to his wife's property, by purchasing the lands of Longcraft and Muirshiel in 1642, and Queenside Muir in 1655. The estate, thus increased, came through successive generations, from John Semple to Robert Semple, Sheriff-Depute. The Sheriff having unfortunately, by cautionary obligations, got into financial difficulties, he, on 6th July, 1697, disposed his whole estates of Balgreen, formerly called Easter Cloak, Longcraft, Muirshield, and Queenside Muir, to his kinsman, Robert Semple, of Fullwood, and also holding an appointment as Sheriff-Depute of the county.

Although thus divested of his patrimonial estates, Robert Semple continued to reside at Balgreen till he died, in 1726. He was a

zealous public officer, and we have had occasion to take notice, in preceding numbers, of not a few of his decisions in criminal cases. If at all remarkable, his judgments were so for their severity, and, when fines were imposed, for their large amount, often greatly disproportioned to the offences, so far at least as these are revealed by the Record. We find a reason for the imposition of these large fines and penalties in the fact that remuneration for the services of the Sheriff-Deputies and Substitutes, and the Procurator-Fiscal and subordinate officers of the Hereditary Sheriff, was not otherwise provided for, either by fees or salary, and temptation was thus given to make exactions which, under other circumstances, would not have been necessary, and certainly ought not to have been made. This may also account for the monster prosecutions, of which we have given several examples, under the Game Laws and numerous old Scotch Acts, for statutory penalties, in which as many as fifty persons, mostly tenant farmers, were accused in one libel, and brought before the Sheriff, and made to criminate themselves by being put on oath, no other evidence being even attempted to be led against them.

But whatever was the amount of income Sheriff-Depute Semple of Balgreen thus obtained, he, after thirty years' service, died poor, and his widow, Mary Edminstone, required the assistance of Robert Semple of Belltrees, her kinsman, to provide the expense of his funeral. For this expense, and for aliment to herself and children and maintenance of servants from 10th March, 1726, when the Sheriff died, till the term of Whitsunday following, his widow raised a summons of constitution against John Semple and William Semple, her children, and their tutors and curators, to have the amount made a charge against the deceased Sheriff's moveable estate. The summons narrates "that where the said Robert Semple having died in the moneth of March, upon the 10th day thereof or thereby, 1726, and the sd complainer having defrayed and paid the funerall expence of her sd deceast husband, and there being also by the law mournings due to her conform to the defunct's quality, and aliment for her and his children, servants, and family to the next term after his decease, which was Whitsunday, 1726, She having entertained and maintained the sd children and servants in family with her self during that time, Therefore the said funerall charges, mournings, and aliment ought to be descerned and declared to be a lawful debt of the sd de-

“ funct’s, so as to affect *bona mobilia* of the defunct and his exers,
 “ and the samen not being sufficient to defray and pay, the samen
 “ to affect any other subject belonging to the defunct. And it
 “ being true and of verity that the expence of the said defunct’s
 “ funerall, paid by the complainer, does extend to the sum of one
 “ hundred and six pound ten shillings and six pennies Scots, con-
 “ form to ane particular accompt and receipts and discharges
 “ thereof herewith produced and repeated as a part of this lybell,
 “ *brevitatis causa*, beside and attour six pound Scots given to the
 “ kirk-officers and poor. Item, two hundred pound Scots is but a
 “ mean and reasonable satisfaction for her mournings, conform to
 “ the defunct’s quality, and she accordingly did wear mournings on
 “ account of the defunct’s decease. Item, the sum of forty pounds
 “ Scots, as the expense of mournings paid by her, furnished to the
 “ defunct’s three children that were in life the time of his decease,
 “ to witt the sd John and William Semples and Robert Semple,
 “ the second born child, now deceased. Item, the sum of sixty
 “ pound Scots as a mean and reasonable satisfaction for alimending
 “ and entertaining herself, children, and servants in family with her
 “ self from the sd tenth of March, 1726, to the Whitsunday there-
 “ after. And albeit the sd sums be all truly resting due to her, and
 “ no payment thereof made by the defunct’s exers or others repre-
 “ senting him, and so ought to be found and declared to be ane
 “ just and lawfull debt of the sd defunct’s to affect his exerie or
 “ other subjects belonging to him the time of his decease.”

This summons, and the productions made therewith, give an idea of the style and cost of, and kind of entertainment at, a funeral of a person in the Sheriff’s position in 1726, and several accounts of expenses of the funeral are therefore of some interest. The sums claimed by the pursuer were as follows :—

	<i>Scots.</i>	<i>Sterling.</i>
Expenses of Funeral,	£106 10 6	£8 17 6½
Gratuities to Kirk-Officers and Poor,	6 0 0	0 10 0
Mournings for Widow Semple,	200 0 0	16 13 4
Mournings for Children,	40 0 0	3 6 8
Aliment for Widow, Children, and Servants till Whitsunday next after Sheriff’s decease,	60 0 0	5 0 0
	£412 10 6	£34 7 6½

The deceased held an important official position, and was closely related to several wealthy families not only of his own name, but

also to others in the county, and it is therefore instructive to observe that the total cost of his funeral, including mournings and alimnt for his widow and children and servants for two months, was only £412 10s. 6d. Scots, or £34 7s. 6½d. sterling. This amount, placed alongside of an undertaker's charges for the funeral of a person in like position at the present day, would present a rather startling contrast, even making allowance for the difference in the value of money in 1726 from 1876.

Although the example here given of moderation in funeral expenses cannot, perhaps, be now, in every respect, imitated, it is surely worthy of consideration whether the enormous cost of funerals and mournings incurred nowadays, rather from fashion or custom, and for ostentatious display, than from necessity, and too often bearing oppressively on a surviving family, might not be greatly and most advantageously curtailed.

How's of Damtoun and Penneld.



THE lands of Damtoun, comprehending Plainlees, lie westward of and in the near vicinity of the town of Kilbarchan, and, with the lands of Law, upper or Hows Penneld, Wester Whitelands, and Over-Johnstone, all in Kilbarchan parish, and Syde in the parish of Kilmalcolm, long belonged to the Hows. The Pennelds, forming a large part of their estate, belonged in the sixteenth century to the Collegiate Church of Lochwinnoch, commonly called the College of Castlesemple, situated near to Castlesemple House, and founded by John, first Lord Semple, in 1505, to the honour of God and the blessed Virgin Mary, and for the prosperity of King James the IV. and Margaret, his queen; and for the soul of Margaret Colville, first spouse of the said Lord Semple, and for the salvation of his own soul and of Margaret, his then spouse, and of all his predecessors and successors, and of all the faithful dead. These lands were holden of the Semples of Castlesemple; the college being richly endowed. At the Reformation the college was despoiled of their

lands, and the only vestige of their possession is the place of sepulture of the Semples.

An old authority, Sempill, describes the lands of Penneld as being beautifully situated on the river Lochar. They included Upper and Lower Penneld and Nether or Rodger Penneld. They lay on the south side of the Lochar, where that stream flows over several natural cataracts, within a distance of a quarter of a mile, and several of them twenty feet high, on the east side of Penneld Bridge. And they were further beautified by the remains of an old castle.

These lands were bestowed in patrimony at different periods on branches of the How family. The Pennelds were, in 1733, sold to the Napiers of Milliken, to whom they now belong. The lands of Damtoun and Plaintree are still in possession of a descendant of the original family.

The How family can be traced back to the seventeenth century, when Andrew How, "Mediciner," then resided at Penneld. In 1782, John How, also of the medical profession, lived at Damtoun, where he died in 1816, and the lands of Damtoun and Plaintree, as before stated, are still in the family.

Thus, although the How family was not so ancient in its origin as that of many landowners of the county, it could date back two centuries; and, besides its antiquity, had other claims to notice. The profession of medicine was hereditary in the family—not less than eight of its members having, in succession, belonged to it, all residing at Damtoun or Penneld, though not confining their professional services to their immediate vicinity, but extending it over the county. Some, if not all, of them were distinguished medical practitioners; and a few very curious professional accounts have been found by us, one of which has appeared among our selected documents from the County Records. It, like many others, was rendered to persons of good position in the county. The earliest mention we find made of them, in a medical capacity, is in 1687; but some of the previous lairds of Damtoun and Penneld belonged to this profession, and we believe that such a long succession of persons following the profession of medicine, and holding the position of landowners, is altogether unexampled in Scotland, and, like one of the most important medical associations in Scotland, they might with great justice have taken "*Floriat Medica*" as their family motto. John How, surgeon at Damtoun, who, in 1782, represented the family, is stated by Sempill to have

been the twelfth "John" in succession who had occupied his position as owner of Damtoun.

Independently of important and valuable services of this old family to the inhabitants of Kilbarchan as their medical advisers for many generations, the heads of the family were in succession held in great respect, and took a lively interest in the well-being of those around them of all classes; and the last "John," who died in 1816, at a great age, was venerated and esteemed not only in his native parish but over the county.

M'Dowalls of Castlesemple.



TOWARDS the close of the last and beginning of the present century, many Scotch lairds having a long line of ancestors, but with rent rolls insufficient for maintaining their social position, parted with their patrimonial estates to others, who, although not boasting of a long pedigree, had shared in the flow of wealth into the country through its commercial prosperity; and who, or their successors, now own a large part of the soil. But some of the old proprietors so circumstanced clung to the paternal estates, causing, in their efforts to keep possession, a struggle between their pride, which made them pertinaciously cling to the paternal estate, and their poverty, arising from the insufficiency of their income, to enable them to gratify it. In an interesting *brochure* from the pen of George Seton, advocate,—having the quaint title of "Cakes, Leeks, Puddings, and Potatoes," representing the four nations, Scotland, Wales, England and Ireland, Mr. Seton, referring to the peculiar nationalities of the Land of Cakes, says "a good story is told of a small Highland laird, who contemplated the erection of a magnificent castle on a very limited territory, with reference to which one of his neighbours sarcastically remarked, 'I wonder on whose ground Mac intends to encroach when he carries his plans into execution.' This kind of pride and love of display, which poverty in this instance could not repress, was accompanied by a vast amount of discomfort, to which the more sensible English

owners of land were strangers. The snug and cheerful mansion which could there accommodate an English landowner with a rental of £10,000 a year, would have been regarded by many a Scotch laird, with an income of as many hundreds, as altogether unfit for the residence of his family." Unfortunately, the same tendency is discernible among the wealthy commercial class of our time, who frequently, in the erection of their modern mansions, forget what is required for comfort, to gratify a false and expensive taste for display; and internally in these mansions, and even markedly in their exterior, do ideas of comfort and usefulness and good taste give place to luxuriousness and extravagance in their style of building, and furnishing, and decoration. This so strikingly contrasts with what was deemed necessary for use and comfort in a large mansion-house of one of the wealthiest landowners in our own county a century ago, that we are induced to publish the inventory taken in 1747 of the furniture and plenishing of this mansion, at least so far as is likely to interest our readers, and enable them to mark the change from the ideas of 1747 of house furnishing and decoration to those of 1876.

The Estate of Castlesemple was purchased in 1727 by Colonel William M'Dowall, the first of his name connected as a landowner with Renfrewshire. He was a younger son of Alexander M'Dowall of Garthland, whose family was of long standing and good position in Galloway. According to Semple, in his Continuation of Crawford's History of Renfrewshire, Colonel M'Dowall, in 1735, demolished the old Castle of Semple, for centuries the residence of the noble family of Semple, and built an elegant modern mansion; but adds that he was not certain how far "the Colonel completed "all the ornaments with which this grand fabric, as it stood in "1770, was beautified, or at what periods new additions had been "made." Colonel M'Dowall was succeeded, at his death, in 1748, by his son William, second of Castlesemple, who added to his patrimonial estate that of Garthland, acquired from his cousin, William M'Dowall of Garthland, at whose death, in 1775, he assumed the title of Garthland, adding to it that of Castlesemple. He, again, was succeeded by his son William M'Dowall, who long occupied a prominent position in the county, being appointed Lord-Lieutenant in 1793, was elected at the successive elections of 1783, 1784, 1802, 1806, and 1807, Parliamentary representative of the county, and died on 2nd May, 1810, unmarried. At his decease,

his services to the county were gratefully and unanimously acknowledged by resolutions of a meeting of the noblemen, gentlemen, freeholders, and magistrates of the county; and a splendid public monument to his memory, by Flaxman, suitably inscribed, was placed in the Abbey Church of Paisley.

Colonel William M'Dowall, first of Castlesemple, died intestate in 1748; and, to ascertain the interests of the respective members of his family, an inventory and valuation of his whole moveable estate was made in that year, from which we publish some extracts likely to interest our readers. This inventory being a very ample one, we have, as in the case of Blackstone, inserted it *literatim* amongst our statistical papers in the Section "Rents, prices, etc.," towards the end of the volume.

The mansion, as described by Semple, in 1771, was an "elegant, large, modern house," and consisted of thirty-one apartments, and the inventory reveals the kind, quality, quantity, and value of its furniture and plenishing. We also learn from it, so far as can be thereby made known, the habits and style of living of the family, and are thus enabled to judge of ancient and modern ideas as to what was deemed necessary for use or comfort in furnishing and plenishing, by the comparing of the old county mansions occupied by the aristocracy with the houses of merchants, manufacturers, and traders in our own time, the latter being thought more in accord with greater refinement and increased wealth, and influenced by the uncontrollable and extravagant and frequently eccentric dictates of fashion. In furtherance of this object of contrasting the past and present, we append to our present notes a copy of the inventory of the furniture and plenishing of the dining-room, the parlour or reception and withdrawing room, several of the bed-rooms, including Colonel M'Dowall's own room, and the napery in Castlesemple; and, in order also to give our readers some idea of the style and cost of personal dress and decoration, we publish a list of Colonel M'Dowall's body clothes and personal ornaments. Making every allowance for difference of value of money in 1748 and 1876, and also for the moderate prices that may have been put upon the articles inventoried, it will somewhat surprise our readers to be informed that the total value of the contents of Castlesemple Mansion was, in 1748, according to the inventory, only £674 3s. 4½d. It will further occur to the bulk of our readers that this sum would not cover the cost of furnishing a modern

drawing-room of moderate pretensions, that it is now greatly exceeded by the value of the contents of many a plate chest, that it would scarcely purchase a picture to adorn the walls of a fashionable dining-room, and go but a little way in defraying the cost of the store of wines required for use, or rather for ostentatious display, in the exercise of prevailing hospitalities. Indeed, the modern merchant, in the size and cost of his palatial residence and furnishing, now rivals and frequently throws entirely into the shade the most wealthy of the old and wealthy families of the last century.

It will not escape notice that at Castlesemple the luxury of carpeted floors was almost unknown, the family, according to the inventory, only owning two carpets—one valued at 15s. in the parlour, and the other at £2 in the family seat in Castlesemple Church. The furniture was plain and substantial, and, with exception of about half a dozen mahogany articles in the parlour and bed rooms, was made of home-grown wood—the oak, the elm, the plane, and the walnut. The spinning wheels, of which there were a number, seem to have been industriously plied by the females in the family, for the quantity of home-made bed and table linen was large, and of blankets we find upwards of forty pairs, in addition to those in the bed-rooms, and mostly all of home manufacture; and it is interesting to note from the inventory the number of pairs made each year. The family of Castlesemple were owners of extensive West India estates; and we have in our first series of Selections from the Records of the County, published the names and value of the slaves, cattle, and other chattels held by them. In the mansion-house, in 1748, there was, in what was called “the West India chest,” a large number of articles suitable for colonial use. It does not appear that Colonel M'Dowall was extravagant in dress, for the valuation of the whole of his body clothes and personal ornaments, including a gold watch and some ornamental silver articles valued at £13 13s., was only £41 8s. 6d. There is nothing in the inventory to show that the family indulged in other than the most moderate expenditure. They were satisfied with plain furniture. The contents and value of the wine in the cellar afford no evidence of excess in this direction. Literature, as shown by the family library, was represented by a total value of £35. But the earliest decades of the last century, like the end of the seventeenth, were not remarkable as a literary epoch, and the quality of the books then read was determined by the spirit of a

time when bitter religious animosity found expression in quite a deluge of controversial pamphlets, and a prevailing licentiousness gave a tone to many of the other books then published.

It will be remarked that the inventory of the kitchen furniture and utensils enumerates 177 pewter articles, consisting of "pleats, trunchers, covers for dishes, jugs, bassons, and measurers," and that they weighed upwards of two cwt., valued at 8d. per lb. or £8 16s. 8d. sterling. Such articles have been long superseded, for table use, by the china and stone ware which Josiah Wedgwood began, in 1760, to manufacture and bring into general use. Pewter articles, previously used in the houses of rich and poor, soon after this came to be superseded by the productions of the potter; and where the old pewter dishes of our forefathers have been preserved—and they are still to be found in some places—they have been kept more as antiquarian curiosities than for use. In 1747 some articles of china and stone and delf ware were in the Castlesemple inventory; but the china articles must have been supplied by English and Dutch merchants, they being then an article of commerce, and so expensive as to be confined to the mansions of the wealthy. They were, consequently, few in number. There were then potteries in England. As early as 1690, a pottery for the manufacture of glazed ware was established by two Dutchmen of the name of Eller, at Burslem, in Staffordshire, but the ware was very coarse in quality, and the late Josiah Wedgwood was the first who made any great improvement in this branch of manufacture, using the fine red clay of the district for making red and black porcelain. In the kitchen was also a large number of brass, copper, iron, and tin culinary articles; but, although curious enough, we have not space for their enumeration. The articles of glass, china, and stone ware in Castlesemple are, however, sufficiently curious to induce us to annex the entire inventory of them. They are valued at £12 9s. 11d. In the wine cellar, the contents will excite surprise, from being so very limited in the kinds and quantity of wines and liquors; and their cost, the whole being valued at £17 16s. sterling, contrasts in a remarkable manner with the contents and value of a wine cellar in the mansion of the upper, or even the middle class of the present day. Indeed, the wine was insignificant in quantity, and the six dozen bottles of rum, probably from the family estates in the West Indies, formed the greater part of the store of the Laird of Castle-

semple, for the use of his family and the exercise of hospitality. But if the wine cellar exhibited such a regard for economy, the library, as we find its contents enumerated in the inventory, is equally remarkable—one work, “Reymer’s Fædria Angliæ,” being valued at £20, and the whole of the other books, described as small books, at £15, or £35 in all, for the mental and intellectual food of the laird and his family. So little importance seems to have been attached to books, that we find them stowed in what is named “the dark closet called ye library.” It is to be regretted that the silver plate is not described in detail. With exception of a few articles specified, but not of great value, “the silver pleat at Castlesemple, being weighted, amounted to 35 lbs., at 5s. 4d. per oz. : £149 6s. 8d.” Here again, the sum invested in “silver pleat” is so small as to be quite trifling in amount when compared with the contents and money value of a modern plate chest.

The Estate of Houston.



RAWFURD, in his History of Renfrewshire, 1710, says that “upon the side of the River Grife stood the Castle and Barony of Houston. The Castle being situated upon an eminence, afforded a very agreeable and extensive prospect of the County, the fabric being a large court, much improved by Sir John Houston then of that Ilk, with a beautiful avenue regularly planted, and having orchard, garden, and park equal to most in Scotland, and delectable woods surrounding the Castle.”

The family of Houston of that Ilk was of great antiquity, and if not the oldest, was at least one of the most ancient in the county, having its descent from Hugo de Padvinan, who obtained a grant of the barony from Baldwin of Biggar, Sheriff of Lanark, in the reign of Malcolm IV. Crawford, in his genealogical researches, for which he was so remarkable, found that Hugo de Padvinan was one of the witnesses to the foundation Charter of the Abbey of Paisley about the year 1160. This Hugo was succeeded by his son, Reginald, who was followed by his son, Hugh, who proved a

benefactor to the monks of the Abbey by bestowing on them annuities of half a merk out of his lands in 1225. He was succeeded by his son, Finlay de Houston, Knight, who lived in the reign of Alexander III., and was a witness to several Charters granted by the High Steward of Scotland, and also was one of the Scotch Barons who subscribed in 1296 the Bond of Submission to King Edward I. of England, commonly called "the Ragman's Roll," wherein he was designed Finlay de Houston, chevalier. From Finlay de Houston the estate descended through a regular succession of eldest sons down to the reign of James II., when Sir Patrick Houston, the then Baron, died, and in 1450 was buried in the Chapel of Houston, where a monument was erected to his and his wife's memories, bearing the inscription—

"Hic jacet Patricius Houston, de Eodem, Miles, qui obiit Anno MCCCCL.

"Et D. Maria Colquhoun, Sponsa dicti Domini Johannis, quæ obiit MCCCCLVI."

Sir Patrick was succeeded by his eldest son, Sir John, who died in 1456. He was interred in the Church of Houston,* under a canopy of freestone, with the effigies thereon of himself and his wife.

Sir John Houston was succeeded by his son, Sir Peter, who was slain at the fatal battle of Flowdown on 9th September, 1513, where also fell King James IV. and the flower of the nobility and gentry of Scotland. The estate then came to his son, Patrick, who was knighted by James V., and was associated with John, Earl of Lennox, for the rescue of the Prince out of the custody of the Earls of Arran and Angus, and was slain in a conflict at Aven, near Linlithgow, in 1526. His son and heir, John, obtained a Charter of the Baronies of Houston from James V., in 1528; and, dying in 1542, was succeeded by his son, Patrick, on whom James VI. conferred the honour of knighthood. He died in 1605. The estate fell to his son, John, who married Margaret, daughter of James Stirling of Keir, and died in 1609, being succeeded by Ludovick, his eldest son,

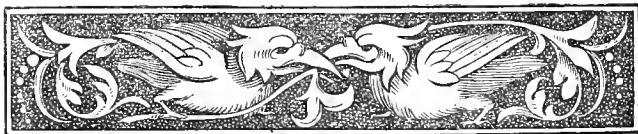
* The old Parish Church of Houston was removed in 1875, and on its site there has been erected a handsome Memorial Church, in affectionate remembrance of Captain Archibald Alexander Speirs of Elderslie, M.P. for the County, by his mother, Mrs. Eliza Stewart Hagart—now the wife of Edward Ellice, Esquire of Invergarry, M.P.—and his widow, Lady Anne Speirs, by whom the Church has been made over to the Heiritors of the Parish. In a mortuary connected with the new Parish Church the monument of Sir John Houston and his wife is preserved. Captain Speirs died 30th December, 1868.

who married Margaret, daughter of Patrick Maxwell of Newark, and left two sons, Patrick and George. The eldest, Patrick, obtained the Houstoun Estate, and George became the founder of the family of the Houstouns of Johnstone. Patrick died in 1662, and his son, Patrick, inherited his estate of Houstoun, and was, by Charles II., created a Baronet in 1668. He died in 1696, and was succeeded by his son, Sir John, who, for upwards of twenty years, represented the County in Parliament. He was the last of the ancient family of Houstoun that inherited the Barony of Houstoun, having sold it to Sir John Shaw of Greenock, by whom it was disposed to Sir James Campbell, who died in 1731, leaving two brothers, both of whom dying without issue, the estate came to Sir James's three sisters,—Catherine married to Alexander Cunningham of Craighends; another, married to William Cunningham, his brother; and the third, to Alexander Porterfield. These ladies sold Houstoun Estate to Governor Macrae, of the East Indies, who, dying without issue, left his estates to James M'Guire, eldest son of Hugh M'Guire of Drumdow, in Ayrshire, on condition of his bearing his name and arms. This James M'Guire Macrae was succeeded by his son, James, who ruthlessly demolished the ancient Castle of Houstoun, except one square of the buildings, and applied the stones for erecting houses in the village of Houstoun, which he had feued off in thirty or forty lots. The Castle is described by Semple as having been "one of the strongest, most elegant, and ancient structures in the county, the fabric being five squares, with a court within having one entry thereto with a great iron gate or portcullis, and the lowest window being 12 feet from the ground, and having a high tower on the west side." This historian states that the whole town and parish of Houstoun had belonged to Sir John Houstoun, except one house in the old village of Houstoun, before being sold to Sir James Campbell.

In 1782, the Barony of Houstoun was acquired by Alexander Speirs of Elderslie, from James Macrae. To the ancient Barony, Mr. Speirs added the estate of Fullwood, purchased from John M'Dowall, second son of William M'Dowall of Castlesemple, and also the lands of Blackburn, which had belonged to an ancient family of the Sempills, and were also purchased by Mr. Speirs from the said John M'Dowall. Archibald Speirs of Elderslie died in 1832, and was succeeded in his estate of Houstoun and other extensive

possessions in Renfrew, Abbey of Paisley, Mearns, and Neilston Parishes, in Renfrewshire, and Govan in Lanarkshire, by his son, Alexander Speirs, who married Eliza Stewart Hagart, daughter of Thomas Campbell Hagart of Bantaskine; and at his decease in 1844, his whole estates came into the possession of his only son, Archibald Alexander Speirs, born on 5th June, 1840. In the year 1865, and again in 1868, Mr. Speirs, then a captain in the Scotch Fusilier Guards, was elected to represent his native County of Renfrew in Parliament. His death on 30th December, 1868, at the early age of twenty-eight years, deprived the County of his services, but not before he had shown such energy, intelligence, aptitude for and attention to legislative and other public duties, as to induce his constituents to hope and desire that he should have a long career of public usefulness. Captain Speirs's public life, although brief, was such as, combined with his many private virtues, made his loss by death to be universally and deeply lamented. He was married on 3rd September, 1867, to Lady Anne Pleydell Bouverie, daughter of Jacob, fourth Earl of Radnor, and is succeeded in his extensive estates by his posthumous and only child, Alexander Archibald Speirs, born on 3rd June, 1869.





SECTION III.
COUNTY COURTS.

The Administration of the Law.

THE period from 1680 to 1730 was one, as every reader of history knows, of intense interest, although by no means so exciting and eventful as the immediately preceding fifty years. After a long period of persecution, tyranny, and misgovernment, the people of Scotland, from the time of the Revolution, began to breathe more freely, and to feel their energies released from the grasp of a resistless and overpowering oppression,—having, with the change of dynasty, regained their liberties and come under the benign influences of a more paternal and constitutional Government. Trade, commerce, and agriculture, if not capable of at once reviving, had fewer obstacles thrown in the way of their progression ; and the people, feeling that better times had arrived, began to think about and to put into practice the means of improvement.

But the administration of the law, and relief from its oppressive enactments, did not keep pace with other national changes.

The laws made in the time of the Stuarts, by subservient “estates of the kingdom,” to further civil and ecclesiastical tyranny rather than to promote the interests of the people, remained unrepealed, and their administration down to 1748 was in the hands of heritable judges, who bought their offices and jurisdictions along with their lands or purchased them for the sake of the dignity, profit, and patronage they conferred. These heritable judges, sheriffs of counties, and baillies of baronies, moreover, did not themselves execute the duties of their offices, but entrusted their administration to deputies, substitutes, and baillies, who had to recompense themselves for their public services by imposing penalties and fines sanctioned by law, but grievously oppressive on the people. To the exposure

FAC-SIMILIES OF SIGNATURES OF THE SUCCESSIVE SHERIFFS
DEPUTE OF RENFREWSHIRE, FROM 1748, WHEN HERITABLE
JURISDICTIONS WERE ABOLISHED, TO 1877.

1748. *Henry Macquell*
(of Williamwood.)

1748-87. *Charles Dowall*
(of Cricheo, Advocate.)

1787-96. *Allan Macconochie*
(Lord Meadowbank.)

1796-1816. *John Connell*
(Sir John Connell, Judge Admiral.)

1816-43. *John C. Dunlop*
(Advocate.)

1843-54. *H. J. Robertson*
(Lord Benholme.)

1854-63. *A. Menzies*
(Lord Ormidale.)

1863. *Patrick Fraser*
(Advocate, Sheriff of Renfrew and Bute.)

of this grievous system of local administration of the law in our own county, we now devote a few papers, in addition to the numerous illustrations we gave in our previous volume.

The examples given afford additional evidence that the sentences of the subordinate judges in criminal cases were frequently cruel and oppressive, and quite unwarranted by the nature of the crimes or offences, and that the authorities, moreover, employed the Star Chamber-like practice of making the accused parties criminate themselves on oath, in some instances dragging as many as fifty respectable parties before them in one general libel for offences not specifically set forth, and of which, if committed at all, the accused were not charged as guilty, or of being actors or having art and part therein, but vaguely as having committed offences generally against a long list of statutes specified in the libel; and, instead of attempting to prove their guilt by legal evidence, the court compelled each accused party to swear that he had not, within an indefinite time, or undefined place, committed an offence or offences against the provisions of some one or other of these statutes, and in the event of his failing to swear negatively he was subjected to heavy penalties. When the accused parties were libelled separately, a similar mode of obtaining conviction by compelling the accused to swear was adopted.

Our investigation into the very numerous criminal prosecutions in the courts of the Hereditary Sheriff of Renfrewshire, at the close of the seventeenth and early in the last century, shows that the Sheriffs, Deputes, and Substitutes were deeply impressed with the expediency of stamping out crime by severe, and in many cases most unjust and oppressive punishments. In petty cases of "pickering, pilfering, and unlawfully appropriating," or "thieving," in addition to personal punishment by imprisonment, exposure on the pillory or in the stocks, with banishment from the county and in some instances to "the plantations," pecuniary penalties, from £100 to £500 Scots, or from two to three hundred merks Scots, with imprisonment until payment, were frequently imposed; and in trifling cases of assault or breaches of the public peace, fines ranging from £10 to £300 Scots inflicted. No doubt the time mentioned was somewhat remarkable for lawlessness, and especially for a proneness to violence and outrage, and a too free use of "swords, staffs, and batons," which endangered life and caused bloodshed; but making every allowance for this as justifying severity, the punishments inflicted were some-

times absolutely barbarous and cruel, and, as a rule, severe and oppressive, and in almost every case greatly disproportioned to the character of the offence. A fine was almost always imposed, although, in cases of theft, imprisonment, the pillory, or banishment from the county would have been more appropriate. For this it is rather difficult to find a reason, unless in the fact that the public prosecutor did not, as now, prosecute "for the public interest," but according to the phraseology then used, "for his own interest," which could only be secured by the infliction of pecuniary penalties. No remuneration for payment, either of the Sheriff-Deputes, or Substitutes, or Fiscal, other than the funds raised by fines and penalties, would seem to have been provided; and we incline to the belief that in this is to be found the only explanation of their oppressive sentences. It is also worthy of remark that a suspiciously small number of the prosecutions raised came to trial. The libel, often containing a serious charge, was served on the accused, as shown by the officer's execution; but when the day of trial came, it was not called, while no reason appears in the record for its being withdrawn. It is to be feared that in many of these cases the crime or offence was condoned by arrangement with the private or public prosecutor, and this corrupt practice must have been tolerated by both Sheriffs and Fiscals, who controlled the case and caused a failure of justice by an over-attention to "their own interest," they being thus forced to find remuneration for their public services, otherwise unprovided for, in this corrupt and illegal, and, so far as regards the public interest, most dangerous and oppressive manner.

In regard to this disreputable mode of official remuneration, it is remarked by the directors of prisons in Scotland, in their first report in 1839, "that the barons and owners of land in Scotland, who held hereditary legal jurisdictions, while they derived dignity and honour from their offices, also reaped large profit from the exercise of their powers in the fines and ameracements they imposed on those of the lieges guilty of contravention of the laws, many of them of a most oppressive nature, which had been enacted during the reign of the Stuarts, and were unrepealed when heritable jurisdictions were abolished in 1747." In the county of Renfrew, the Earl of Eglinton was hereditary Sheriff-Principal of the county, and Principal Baillie of the regality of Paisley, and appointed several deputies and substitutes, who exercised all the powers vested

in His Lordship ; while in many baronies throughout the county the owners discharged the duties of Baillies, or named Depute and Substitute Baillies who acted for them. No provision, as we have seen, being made by Government for payment of such subordinate officials, they had to find remuneration in fines and ameracements. It thus became their interest strictly to exercise their powers ; and to this may be attributed in some degree the numerous prosecutions for crimes and offences during the fifty years from 1680 to 1730, to which we so fully called attention in our first volume of *Selections from the County Records*, as illustrating the manners of the people and administration of the law at that important period of our national history.

This objectionable state of matters was greatly ameliorated by the abolition of the office and jurisdiction of Heritable Sheriffs in Scotland in 1747, by the Act of George Second ; after which the Crown appointed Sheriff-Deputes, mostly members of the Scotch Bar, for the counties, and provided for their payment by salary. This caused a complete revolution in the mode of conducting the civil and criminal business of the Courts. The proceedings in civil and criminal causes were brought into more regular and systematic form, the punishments in criminal cases became less severe and oppressive, and the practice of condoning crime by withdrawing of prosecutions by arrangement with the officials was effectually put an end to, the number of cases of petty crime brought into Court thus becoming much less numerous.

As a preliminary to our selection of papers, illustrative of the severe and frequently questionable administration of the law, we append a list of the Sheriffs of the county in the period referred to.

The Sheriffs of Renfrewshire, 1680 to 1730.



ENFREW, formerly a Barony, was by Robert III. erected into a shire, and the heritable Sheriffship was conferred on an ancestor of Lord Semple, who had before held the office of Steward of that Barony. The office of Sheriff-Principal was held by successive heads of that family until 1636,

when it was acquired from Hugh, Lord Semple, by Alexander, Earl of Eglinton, who then owned the Baronies of Eaglesham, and Eastwood, and other lands in Renfrewshire. In the Eglinton family the office remained until 1748, when on heritable Sheriffships being abolished by the Act of George II., the Earl was compensated for the loss of his hereditary office of Sheriff, by payment of a sum of £5000 sterling. This sum shows that the office of Sheriff-Principal, besides the dignity it conferred, was of great money value, from the fines and penalties imposed and the patronage connected with it.

We find from Judicial Records that the following gentlemen held the commission of Sheriff-Depute :—in 1684, John Crawford ; 1685 to 1687, Alexander Hume ; 1687, Robert Hall ; 1696 to 1728, Robert Sempill ; and 1702 to 1735, John Maxwell. Of these Deputes, Crawford was of the family of Cartsburn, then of considerable importance in the county. Robert Hall, who resided at Polnoon, was Baron Bailie of Eaglesham and Eastwood, and, according to Wodrow, had the repute of being an active persecutor of Nonconformists. Robert Sempill, of whom we formerly took notice, was proprietor of Balgreen. John Maxwell owned the estate of Williamwood, in the parish of Cathcart, of whose family Semple, in his continuation of Crawford, says, “The castle and barony of Cathcart was acquired of Bryce Semple of Cathcart, by John Maxwell of Williamwood, Sheriff-Depute of Renfrew, and was in 1782 the property of James Maxwell of Williamwood, his great grandson.” Crawford, in 1710, says, “Near Bogton, is the house of Williamwood, the seat of, and from whence John Maxwell, Sheriff-Depute of Renfrew, takes his designation, and is descended from the Maxwells of Auldhouse, one of whom was son of the ancient family of Pollok.” Semple adds, “A large addition was built on the front of the house of Williamwood, bearing date 1763, with office-houses in form of a court, having a good orchard and garden adjacent to the west side.” The estate of Williamwood, long inherited by the Maxwells, passed from them early in the present century to the Stewarts of Williamwood, and is now the property of Captain James Stewart.

We further find from the same source that the office of Sheriff-Substitute was held in 1694 by James M'Alpie,—from 1726 to 1729 by John Baird, and from 1727 to 1734 by Claud Simpson. James M'Alpie, for a number of years, was also Sheriff-Clerk, as well

as Clerk of the Regality of Paisley. A few particulars regarding him will be found in our first Series, page 56. Claud Simpson was a writer in Paisley, and was appointed in 1748 Sheriff-Substitute, by Charles M'Dowall, the first Sheriff-Depute who held office after the abolition of Heritable Jurisdictions.

It is evident that besides those we have mentioned, there were other appointments of Sheriff-Deputes and Substitutes throughout the county; for in 1739, when Henry Maxwell was depute under Lord Eglinton, he found it necessary to make the following intimation in regard to those that then existed:—"Paisley, " 1 November, 1693.—The Depute in regard he intends to sitt " this Session himself, recals all former Substitutions of the " offices of Sheriff and Bailie, and declares the same judicially void " and null from this time furth. (Signed) Henry Maxwell."

Regarding older appointments of Deputes and Substitutes the County Records are silent. In the Burgh Records of Paisley, we find the following minute of an appointment so far back as the second year of the seventeenth century:—"Paisley, 9 March, 1602.—Sir James " Sempill, Knt., admitted Sheriff-Substitute in presence of the " honble the Master of Paisley, upon a commission from Robert, " Lord Sempill, Sheriff-Principal of Renfrewshire, and Robert Vass " appointed to be Sheriff-Clerk."

Henry Maxwell of Williamwood, so far as we have been able to ascertain, was the last Depute appointed by the Hereditary Sheriff of the County.

Remarkable Sentence by the Sheriff, 1685.



THE proceedings in a criminal prosecution in 1685, the earliest of such cases we have yet examined, afford a specimen of the way in which the local judges at that time administered the law, and the remarkable absence of any due relation of the punishment inflicted to the nature or extent of the crimes charged and established by the evidence. In this case, the charge was that of assault, of which there was no sufficient evidence; but of a brawl and breach of the peace

there was enough to warrant a conviction, had this been the offence libelled. The Sheriff, however, without finding the assault proved, fined each of the two accused parties in the large sum of £100 Scots to the Fiscal, and ten pounds Scots of damages or assythment to the private pursuer,—the party assaulted; but, although the pursuer was thus found entitled to damages, the Sheriff fined him also in fifty pounds Scots for fighting with the two defenders, although there was no complaint against him nor craving made for fine against him in the course of the procedure, the whole evidence only going to establish that the private pursuer and the defenders were fighting, and thus all equally guilty of a breach of the peace, of which offence, however, they were not charged in the libel. Two hundred and fifty pounds Scots of fines were thus imposed on the parties, which went into the Fiscal's pocket; proving that in this, as in too many of the very numerous criminal cases brought into the Sheriff Court before heritable and irresponsible judges and their jurisdictions were abolished, the raising of funds by heavy fines and penalties was, without doubt, one of the chief reasons for the prosecutions.

There is one feature of this case deserving notice. In the course of the fight, one of the defenders drew a knife and threatened to use it against the private pursuer; it thus appearing that a practice now so general as to cause a loud demand for its suppression was not unknown two centuries ago, but was, indeed, very common, as our previous notes on other cases show.

The following is a copy of the whole proceedings in the case now under our notice:—

“CRIMINAL LIBEL.

“Alexr., Earle of Eglintoun, Sheriff-Princl. of Ye Sheriffdome of Renfrew and Bailie-Princl. of ye Regality of Pasley, to
Our officers and servants in yt pairt, conjly and sevely specky constitute. For-
asmeikle as it is humbly meant and complained to me be our Lovitt, Mr. John
Rankine, in Capibrigg of Eglisame, and Mr. our
Pror-Fiscall of ye said Sheriffdome and Regality, against James and David
Wylies, Mosslands, That qr upon ye twentie daye of August instant, the sds
Defrs having shaken off all feir of God and His Majesties laws, and so having
conceaved ane dedly haitred and enmity against ye sd John Rankine, Perseuar,
They, without any provocation or just cause, having accidentally mett together
at Cathcart Town when they were coming from Rutherglen, did, out of pre-
cogitat malice & forgonst fellonie, besett & fall upon ye person of ye sd John
Rankine, and did batter him with ane Batoun over ye head, pulled him by ye
Craig-cloak and left ye same in pieces and had almost strangled him yrwith,

threw him down to ye ground wher one of you keeped him down and ye other struck upon his head and body as if he had been ane stock or stane, and when he endeavoured to rise and gett from ym, they drew ane durk and with it voued and offered to doo for him and strike him yrwith, and cutt his hands and ye fingers yrof, bytt him with your teeth, wounded his legs, and gave him many hard and bloody stroaks to ye great effusion of his blood in such quantity that, had it not been ye providence of God and ye help of gude neighbors, they had deprived him of his life, therefore they have committed ane great *assassination* and are severely punishable be His Majesty's laws for doing ye same : Therefore they, and ilk ane of ym, aught and should be decerned to our said Fiscall ye soume of Two Thousand Merks and ye lyke soume to ye sd John Rankine for his damage and assythment, and to be punished in their persones in terror of oysr not to doe ye lyke in tyme coming : Therefore, &c."

"PROCEDURE.

"25 August, 1685, Kirkhouse, pres Sh: Dept., Wm. Simpson and the Fiscall. Mr. Niel Snodgrass for the Defrs, & ye Judge admits the Lybell to probatione repelling all yr Defences."

"James Andrew, in Pilmore, of ye age of 40 years or yrby, married, solemnly sworn and interrogatt upon ye Lybell, Depones he saw the two Wylies ly upon the Pursr, stryking him, and had not parted from him if it had not been for ye help of neighbours, and that he saw them all in oysr hair and knows no more, and declares he cannot wryte."

"George Pollock, in Waterfoot, of ye age of 40 years or yrby, married, solemnly sworn and interrogatt at *supra*, depones that he saw ye hail three fyght and throw each oyr, and yt within a rig length or two or three, Rankine remaining, he saw in blood of his own blood and his head was broken, and knows no more, and this is ye truth as he sal answer to God.

"GEORGE POLLOCK."

"John Gilmour, in Malletsheugh, of ye age of 36 years or yrby, married, solemnly sworn and interrogat at *supra*, depones he saw both the Wylies upon the Complr, and saw them all fyghting together, and yt he saw James Wylie have ane knyfe in his hand and offered to stab the complainer yrwith, and furrher depones he saw John Rankine above James Wylie, and saw John Rankine was bleeding after they were partied, and this is ye truth as he shall answer to God.

"JOHN GILMOUR."

"John Rankin, in Broadlees, of ye age of 36 years or yrby, unmarried, solemnly sworn and interrogat at *supra*, depones he saw both the Wylies upon the Complr, and ane knife in James Wylie's hand drawn, and heard him say he would stab ye Complr, and yt he saw ye Complr bleeding ye tyme of ye stryking, and yt he saw ye Complr upon James Wylie, and this is truth.

"J. RANKIN."

"The three last deponents being interrogatt what provocation Rankin gave, depones they heard Rankin call James Wylie Cochran for the bairns.

"The Judge grants this day eight days to Wylie, for proving the scandal contained in his complaint.

"The Judge, in respect of ye probn decerns James and David Wylie each of ym in ane hundredth pounds to ye Fiscall, and ye sd James in ten pounds for

assythment to ye pursuer for curing of his wounds, and both to remayne in prison ill they pay aforesaid.

“Decerns against ye said John Rankin in fiftie pounds for fighting with the two Wylies, and to remayne in prison till he satisfied ye samin.”

Oppressive Punishment for Common Assault, 1687.



NOTHER of the earlier instances of the oppressive punishments inflicted in the Sheriff Courts for petty offences is to be found in the criminal libel annexed hereto, in which Thomas Hill, at Govan, is represented as having been, on 26th July, 1687, “set upon and straik, bledd, wounded, and abused, to ye great effusion of his blood, at Wallneuk of Paisley, by James Patoun in Govan Kirk, and Alexander Jamieson, in Possil.”

The crime was by no means unusual at the time, as deeds of violence, with and without weapons, and generally to the great effusion of blood and often to the danger of life, were almost of daily occurrence. The criminal cases arising out of such encounters in fact occupied a great deal of the time of the Sheriff and Baillies of Barony, the fines imposed, as has been already remarked, supplying the whole of the remuneration to the Judges and prosecutors; the prosecutions, although ostensibly in the public interest and to “ye terror of ye oysr,” resulting in penalties almost invariably of a pecuniary nature, in the shape of unlaws and fines, always severe, and well calculated to inspire terror of the law and its administrators. This was bad enough; but proceedings thus used chiefly as a source of providing for the payment of officials, became altogether oppressive, and brought the administration of the law, by Sheriffs, Baillies, and other hereditary judges, into contempt, and roused such a general feeling against all hereditary jurisdictions as ultimately caused their entire abolition, and the substitution for them of Sheriffs appointed and paid by the Crown, a change which was hailed with great satisfaction throughout the country.

The case against James Patoun is one of very many cases where

the Sheriff showed an unjustifiable disregard for justice, while the fine imposed evinced that attention to the interests of himself and the public prosecutor which was generally observable in Sheriff Hall's decisions. The assault on Thomas Hill complained of was, as stated in the libel, committed by two parties, James Patoun and Alexander Jamieson. But without any apparent reason, Patoun alone was prosecuted; but possibly, as was then very common, the charge against Jamieson was condoned. Again, there is the absence of all legal proof of an assault on Hill, while the Sheriff, without such evidence, inflicts a fine of £50 Scots on Patoun, holding a statement made by him—that he was pursued by Hill, who struck him several times with a sword, when he turned on his assailant and “straik him to the effusion of blood” in self-defence—as a sufficient confession of his guilt. The sum of £50 Scots was, in 1687, equal to £50 sterling now, according to the value of money, and was a fine altogether disproportioned to the offence charged against Patoun, which was simply assault to the effusion of blood, without the aggravation of its being committed with any dangerous weapon. It certainly was a dangerous and oppressive power with which the numerous parties nominated Deputes and Substitutes of the Heritable Sheriffs of counties, and Baillies of Barony, were invested, especially as they were not directly responsible to the Crown, and were exposed to the temptation, and indeed almost forced, to oppress the lieges, by being obliged to find in the penalties they inflicted their only recompense for their public services.

COPY LIBEL AND PROCEEDINGS THEREON.

“Complains ye Pror Fiscall of Court upon James Patoun in Gaven Kirk, That whereas upon ye 26 of July last, 1687, ye said Defender and Alexander Jamieson in Possill did fall upon ye persone of Thomas Hill in Givan, and straik, bledd, wounded, and abused hym to ye great effusion of his blood att ye Wallneuk of Paisley, whereof he ought to be punished.”

“12 August, 1687.—Actor Fiscall. The Defender also present, Confessed that ye night lybelled being pursued by Thomas Hill with a sword, and having received sevall stroakes from hym, I turned and straik back at him to ye effusion of his blood.

“JAMES PATOUN.”

“The Sheriff unlaws ye Defender in Fiftie pund Scots in respect of his confession.”

“RO: HALL, Sh: Dpt.”

Conflicting Heritable Jurisdictions and Consequent Oppression of the Lieges.



THE host of Heritable Jurisdictions and Judges in Scotland were a source of continual injustice and oppression to the lieges. The iniquitous system of procedure, resulting from the officials being forced to find remuneration for the discharge of duties, for the performance of which no payment was provided further than what could be extorted legally or otherwise from those guilty of offences, frequently as little warranting prosecution as the proceedings were unjust and irregular, necessarily led to the public being regarded as an available source of plunder, and even to the occasional bringing up a party on the same charge before two different courts, and the infliction of double penalties. The case of "Andrew How, Portioner in Pennell," Kilbarchan, is an example of the particular specimen of oppression referred to.

Kilbarchan, at the period of the occurrence (1687), was a place of considerable note with a population exceeding that of Renfrew, the head burgh of the shire, and not much inferior to the town of Paisley at the same period. The town was within the Barony of Craighends, and had the privilege of holding fairs and markets for exhibition and sale of the products of the district around, and races. The Laird of Craighends, as owner of "the grounds of ye Barony," had jurisdiction in criminal causes within his Barony; and the Hereditary Sheriff of the County, the Earl of Eglinton, held a cumulative jurisdiction with the Baron. From the court records, the Sheriff's deputies asserted and exercised not only a cumulative but a superior jurisdiction in cases of crime, disregarding the rights of the Barons, and frequently took cognisance of cases after prosecution and conviction in the Barons' courts.

This high-handed procedure, as may well be supposed, was looked upon by the Baron as an illegal usurpation of his rights, and by the lieges as not only illegal but grossly oppressive. The plea of *res judicata*, when pleaded in cases of double prosecution and punishment, had not the effect of staying the hand of the Sheriff's deputies, and of this we give an example.

Annually, in the month of July, there was a public market held

in Kilbarchan, where dairy and other farm produce, and wool and lint, then spun in every household, and cloth manufactured therefrom in Kilbarchan, as well as numerous wooden utensils, and horses and cattle, were exposed for sale. At this market, in July, 1687, there were present among the crowd assembled from neighbouring parishes, Andrew How, portioner, residing in Pennell, near Kilbarchan, and James Stevenson, in Ranfurly. How held a good position, being owner of the lands of Pennell, Damtoun, Plainlees, and others in Kilbarchan parish, and he was "a mediciner" or practising surgeon, well known throughout the county, and to whom we have had occasion to refer in a preceding section, while Stevenson was tenant of the lands of Ranfurly. These parties, from their social position, would not, if living in our more civilised and law-respecting times, have been found among brawlers in a market place on market day, using violence towards each other, such as we now too frequently witness as the consequence of drunkenness. They, however, did quarrel, and so conduct themselves as to bring them under the notice of the local authorities,—the Baron of Craighends and the Sheriff-Depute of the County,—the Baron and Sheriff, each of them, as we have already stated, claiming a cumulative jurisdiction, that led to the prosecution of How both before the Baron of Craighends and the Sheriff, and to double punishment "for ye terror of ye oysrs." The Baron Officer, according to How's statement in his defence before the Sheriff-Depute, had first taken cognisance of the case, the result being his conviction of an assault on Stevenson, and the imposition of a fine by Craighends of thirty pounds Scots. This prosecution must have followed instantly on the commission of the offence, on 18th July; but Stevenson, with concurrence of the Sheriff's Fiscal, raised another criminal libel against How, who was cited to appear before the Sheriff on the 19th to answer to the libel—the charge in this case, being, as in the Baron Court, assault on Stevenson.

This criminal libel is, like most others of the time, a quaint and curious legal document. It states that "ye invading and *assassin-*ating of any person in ye Hie-way and public Mercat place and "there baitting, bruizing, and wounding of yem be crymes of ane "high nature and severely punishable: Yet it is of verity yt. ye sd. "defender out of forgongst and precogitat malise did yesterday, "being ye 18 July instant, in Kilbarchan town qn I was most "peaceably conversing with sevl of my freinds and acquaintances

“ most unrighteously and inhumanly without ye least provocation
 “ invade and beat me with his staffe, rung, sword, cudgell, and
 “ yrwith fell upon me dang and strok me to ye ground, and laid
 “ many a hard blad and blood strock upon my person yrwith in
 “ presence of great multitude of people, being ye mercat tyme, who
 “ and a good providence brought me furth of his hands oyrways he
 “ would have deprieved me of my life by all probability ; whairfor
 “ he ought and should be unlawed in Fiftie pundis of assythment
 “ and otherways punished in his person and goods in terror of ye
 “ oys. not to do ye like. Therefore,” &c.

On the 19th of July, How appeared before Sheriff Depute Hall, with his agent, Mr. Neil Snodgrass, within the Tolbooth of Paisley, to answer to the libel, and gave in written defences, in which *inter alia* it was pleaded that “ The defender must be assoilzied in respect
 “ the alleged blood was first attached and investigated by ye Laird
 “ of Craigends’ officer, within whose bounds the pretended scuffle
 “ was committed, and *sua* it being *partimus judicata* and the Barone
 “ of the ground having the first attachment, as sead is, the Sheriff
 “ Depute, altho’ having ane cumulative jurisdiction, the defender
 “ cannot be liable in *hoc foro*, and for verifying of this defence the
 “ defender craves ane competent time to produce ane decret
 “ charged and discharged of the souma of thritie pundis.”

The Sheriff, however, repelled the defence and found the libel relevant, and after oath of calumny allowed probation. In a long trial, the following witnesses were examined and their depositions taken in writing, viz.:—Janet Aitken, in Barmashort; John Miller, in Lochermilne; Agnes Fleming, in Kilbarchan; John Adam, in Kilbarchan; Margaret How, spouse of the said John Adam; Janet Miller, servant to John Speir. These depositions contained statements curiously illustrative of the barbarous manner in which How and Stevenson attacked each other and the nature and extent of the injuries suffered by the pursuer Stevenson, but they are too long for insertion here, and we confine ourselves to the appended deposition as a specimen.

The defender How being called, emitted the declaration also appended. The Sheriff then pronounced judgment, and found that Andrew How had “ straiken the pursuer Stevenson sufficiently proven,” and therefor americiated him in Ten Pounds Scots to the Fiscal, and Five Punds of assythment to the pursuer.

There cannot be a doubt that, looking at Sheriff Hall’s decisions

in similar cases, he was influenced in fixing the fine and amercement of damages, or assythment, at so low figures, by a consideration of the fact of his whole proceedings being irregular and altogether illegal; and that he ought to have given effect to the defender's plea of *res judicata*, and also perhaps by the consideration, which he could not lose sight of, that How, who, although "opulent and substantiouse," and quite able to pay a much larger fine and amercement, had already been fined for the same offence in thirty pounds by the "Baron of the Ground," the Laird of Craigends; and had the Sheriff's fine been larger, the case might have been carried to the Supreme Court, the offences in themselves as little warranting prosecution as the proceedings were unjust and irregular.

" CRIMINAL LIBEL.

"Unto your Lop: humbly means and complains, I, James Stevenson in Ramforly, and ye Pror Fiscall of Court, for his interest upon and against Andrew How, Portioner in Pennell, That qr ye invading and assasinating of any persone in ye hie way and public mercat place, and there baiting, bruizing, and wounding of yem be crymes of ane hie nature and severely punishable, yet it is of verity yt ye sd Defender, out of forrgongst and precogitat malise, did, yesterday, being ye 18 July instant, in Kilbarchan toun, qn I was most peaceably conversing with sevl of my friends and acquaintances, most unrightiously and inhumanly, without ye least provocatione, invade and besett me with his staffe, rung, sword, cudgell, and yrwith fell upon me, dang and strock me to ye ground and laid many a hard blad and blood strock upon my person yrwith, in presence of a great multitude of people, being yr Mercat time, who, and a good providence, brought me furth of his hands, oyrways he would have dipreved me of my life by all probability; whairfor he ought and should be unlawed in fiftie pundis of assythment and otherways punished in his person and goods in terror of oyrns not to do ye like. Therefore, &c.

" DECLARATION OF DEFENDER.

"Defender present confest judicially to he and Pursuer struggling when he stroke at him, whereupon he fell struggling. "ANDREW HOW."

Deposition of Margaret How, spouse to John Adam, a witness, who, with five others were examined on oath.

"Margaret How, spouse to John Adam, depones that Stevenson being kindling his pype at ye fire, Andrew How said to him, Is not you a pretty man to hold up signs to any man's cook upon ye hieway, whereto Stevenson angered, and, by his Maker, he would hold his hand to his, whereupon Andrew How gave him ane shott on his breast till he fell upon a sack of meal, upon which Stevenson arose and fastened his hands in How's hair, and rugged him down above him, for which Andrew made for ye yearld, and challenged him furth to

fight him if he durst for his soul, and this be a verity as she shall ansr to God. Depones she cannot write."

" SENTENCE.

" The Sheriff finds that Andrew How has straiken ye pursr, Stevenson, suffitly proven, and therefore amercats him in ten Pounds to ye Fisk, and Five pounds of Assythment.

" RO: HALL, Sheriff-Dept."

Reprehensible Condonation of Crime by Law Officers, 1687.

THE Records of the County Courts afford ample evidence that condonation for offences by means of money payments was deep-rooted and universal. We have already alluded to the fact of non-payment of officials, and the case we now quote has been selected, not so much in relation to the crime charged, as affording a well authenticated instance of condonation of crime by the authorities, with the effect of preventing the due execution of the laws, and necessarily inferring corruption and abuse of their powers.

From the criminal complaint and proceedings annexed, we learn that in the month of January, 1687, "a sack and certain salt, with certain other goods," belonging to James Algie, meilman, in Erskine, had been "violently and masterfully intromitted with and away taken furth of his custody, and kept and detained, by William Andrew in Easter Greenock," for which crime of theft a criminal complaint was presented to the Sheriff, at the instance of the Procurator-Fiscal of Court, against Andrew, and he was brought before Sheriff-Substitute William Simpstone on the 28th day of said month of January, when his agent, Robert Fork, was allowed to see and answer the complaint till the Thursday following, and having on the 30th lodged defences, and the fiscal replied on 5th February, the Sheriff repelled the defences, and admitted the complaint to probation, when the Fiscal condescended to prove *juramenta*, or by the oath of the accused.

At that stage this case, like very many others, dropped, and the accused was allowed to escape "punishment in his person and goods, in terror of ye others to doe ye lyke crymes in tyme coming,"

as craved in the complaint. The hereditary Sheriff and his numerous Deputes and Sub-Deputes—for we find several others holding, along with William Simpson, such appointments in 1687—held and exercised an uncontrolled and irresponsible judicial power, which the criminal records of the county prove was brought to bear upon the purses rather than the persons or goods of delinquents, not in vindication of the law, but for the pecuniary advantage of the authorities. It has been formerly shown that the subordinate Sheriffs and the Fiscal were very unscrupulous, disregarding both the laws and forms of procedure in their attempts to levy excessive fines, without having any justification for such conduct, by informations of the offences or preliminary investigations. It has also been explained that these officials were paid for their legal services by the fines thus levied on the lieges. There appear among the Judicial Records very many criminal libels and complaints against accused parties, charging them with crimes and offences, and craving punishment by imprisonment or the imposition of large fines, where the Sheriff finds the libels or complaints relevant, allows a proof thereof, and assigns a diet for proving; but, being thus brought up to the point when the Fiscal ought to have followed up his complaint by proof and asked for judgment, the cases are allowed to drop, without any reason whatever assigned, or even a desertion of the diet craved or minuted.

It is therefore not uncharitable or unjust to say that this practice of instituting prosecutions against numerous parties for crime, and, when the stage of trial and punishment came, allowing the accused parties to escape by abandoning the prosecutions, was anything more or less than condoning crime for an equivalent, being, it must be supposed, payment of a sum of money, which, when obtained, was pocketed by those in authority. This form and practice of corruption in the inferior courts appears less surprising when we find, as stated in the sketch of the Lord President Forbes's career before referred to, that "the Court of Session, the highest court in the kingdom, was, at the beginning of the last century, one of the most inefficient in existence. Fifteen Judges sat at once on the bench, and of course the necessary consequence of such a crowd was a continual bickering among themselves, and the use of epithets towards each other which supplied in vigour what they wanted in courtesy and decorum. Their number freed them from responsibility, and their votes were given, in the decision of causes before

them, as much from caprice or friendship, or enmity to party or counsel, as from any regard to law or justice. There were then no law reporters, but enough remains to tell that the bench, when Forbes took the chair, was in the lowest state." In the Supreme Court, luckily, there was a President having the power and the will to correct the evil courses of the court, and put down corruption and favouritism ; but in the county of Renfrew no person existed for controlling and correcting corruption. The court, and the cases and parties before it, were obscure ; and the Sheriff-Deputes and Substitutes and prosecutor managed the criminal business very much in the way most suited to their personal advantage, regardless of the charge of corruption to which such conduct exposed them, and which was actually brought against them in a Bill of Suspension of their proceedings in the Court of Session. But although appeal to the Court of Session existed, who, among the numerous parties prosecuted before the Sheriff for crimes or offences, had the means to enable them to resort to this court?—and who among them indeed would think of such a course when his crime or offence could be condoned by arrangement with the authorities ?

The following is a copy of the proceedings,—Fiscal against Andrew :—

“ To the Earl of Eglinton, Sheriff-Principal.

“ Complains ye Pror Fiscall of Court upon and against William Andrew in Easter Greenock, That qr upon fryday was eight days being ye day of yt instant, ye sd William Andrew did violently and masterfullie intromitt with and away tak furth of ye custodie of James Algie, meilman in Erskine, ane sack and certaine salt yrin, with certaine other goods belonging to ye sd James Algie, and still keeps and detaines ye samen, whereby he did committ ane cryme against not only the law, and shd be Decerned to redilyver ye sd goods to ye sd James, but also to be punished in his persone and goods, in terror of oysr to doe ye lyke in tyme coming.”

MINUTES.

“ 28 Jany, 1687.—Actor Fsc. R. ff to see and ansr thursday next.

“ 30 Jany, 1687.—Defences productit, Fiscal to Reply, and Assigns tuesday next for that effect.

“ 4 Feby, 1687.—The Sheriff Repells ye Defences, admits ye complaint to probation. The Fiscall condescends juramenta.

“ WM. SIMPSON, Sub : Sheriff.”

Oppressive Prosecution and Sentence against the Malturer of Seedhill, 1693.

THE criminal prosecution that forms the subject of our present notes is perhaps the most extraordinary of the many we have published as examples of the manner in which the laws were administered in the seventeenth century by the irresponsible Hereditary Sheriff of the county and his Deputes and Substitutes. The style of the libel is peculiarly quaint and verbose, the crime perfectly novel, and the sentence of Sheriff-Depute Crawford as severe as it was grossly illegal and unjust. In this last respect it was by no means singular, and is only one of the many instances of the rapacity of the unpaid and irresponsible officials entrusted with the administration of justice in the county, which led them to use their offices for oppressing the lieges by mulcting them in enormous unlaws and fines that went into their own pockets. Indeed, so seriously oppressive was their conduct as to make accused parties who had the means of advocating their cases from the Sheriff to the Court of Session boldly to plead, as one of the reasons of advocacy, the corruption of the Sheriff, and to state that the prosecutions were not instituted for the public interest, but for that of the Sheriff himself or his subordinates, who pocketed the fines and penalties, and thus had every inducement to make the prosecution of crime or offences subservient to their own purposes, regardless of justice, and, as the case we now refer to proves, without a shadow of a justification for a prosecution or the imposition of any penalty.

It appears from the proceedings, a copy of which we append, that in the month of September, 1693, a poynding and appraisement, under a decret of the Sheriff, of a horse belonging to Hew Snodgrass, malturer, of the Seedhill Milne, was made by John Millar, sheriff-officer, at the instance of John Cochran, in Candren. After the poynding, Snodgrass desired to have a copy of the names of officer and witnesses attached to the execution; and he asked the officer, Millar, to show him the execution of poynding and appraisement, and to write down his name and those of the witnesses. This, however, Millar refused, after repeated solicitations, and Snodgrass wrote down the names himself, and returned the execution to Millar, folding up and putting what he had himself written

into his own pocket. There was no violence used, or other offence given to the officer, beyond Snodgrass, who lost his temper, using threats to make Millar put down these names; nothing, however, being done to obstruct the officer in the execution of his duty, or which could possibly prevent the full execution of the decret by a sale. Out of these circumstances, which neither warranted a charge of counterfeiting the names of the officer or witnesses, nor of obstructing or assaulting the officer, or of causing injury to Cochran by retention of the execution of poynding, Millar and John Tarbet, Procurator-Fiscal of Court, *for his own interest*, raised a criminal libel against Snodgrass, containing a variety of most extraordinary charges, set forth in an equally remarkable style, and craving his severe and exemplary punishment in his person and goods *at the instance of the Procurator-Fiscal*, "in terror of others to do the like in time coming."

It is difficult to understand from the verbose and irrelevant averments in the libel what was the crime or offence with which Snodgrass was charged. It sets forth that "whosoever maketh or doeth " a false writ, or is accessarie to ye making yrof, shall be punished " with the pains due unto the committer of falsehood, and yt it " shall not be lawful for any person so counterfeiting, falsifying, or " accessory thereto, to declare in judgment that he copyeth from " the said writ, but if after the tryal the writ be found false, the " passing from or declaration of the party that he will not use the " same shall not set asyde frae him the punishment due unto those " who writ falsehood, like as by ane particular law of this kingdome " imitating or interfering with subscriptions are severely punishable, " altho' the writ was never made use of to the hurt of any person " interested the very act of fabricating or interfering and falsifying " of any person's subscription to any writ being ane cryme which " deserves and merits punishment." But the evidence adduced for the pursuers does not support the charge of "making or doing a false writ," and it only appears that Snodgrass asked Miller to set down in writing and give to him the names of himself as executing officer, and those of his witnesses, and he persistently refusing, Snodgrass said he would write them down himself, which he did, folding up the paper on which they were written and putting it into his pocket, and at same time restoring to the officer the execution of poynding and appraisalment that he had received from him, and from which he had copied the names. There is no evidence to show

that the names were written down by Snodgrass for *any purpose*, or that they were ever used; but it is quite obvious from the whole proceedings that there was some dispute between Snodgrass and Cochran of Candren, from whom he had bought the poidned horse, and possibly by taking down the names of the officer and witnesses Snodgrass contemplated using them in an action with Cochran. There is a curious statement in the libel by the pursuers "that it shall not be lawful for any person counterfeiting, falsifying, or being accessory to the making or doing of a "false writ *to declare in judgment that he copyeth* from the said writ." Here the pursuers evidently anticipated the plea that Snodgrass had only copied the names of the officer and witnesses from the execution of poidning, and to get rid of such a defence the pursuers go on to state in the libel that "like as by ane particular law of this King" (James VI.), "doing, imitating, or interfering with subscriptions are severely punishable, altho' the writ was never made use of to the hurt of any person." It was well known to the pursuers, and clearly proved by their witnesses, that Snodgrass only copied the names of the officer and witnesses, and put his writing in his pocket; and yet out of this simple and perfectly justifiable proceeding he was dragged into court to answer to a criminal libel, and, without a vestige of evidence of any crime or offence committed by him, was fined by the Sheriff in the sum of five hundred merks,—an enormously large sum, considering the value of money in 1693. And for what? The Sheriff is wisely silent, and gives no finding of guilt of any crime or offence whatever. He merely imposes the unlaw or fine of 500 merks; and as to the charges of making a false writ, committing falsehood, counterfeiting or falsifying a writ, or doing or interfering with or imitating subscriptions, the Sheriff backs out of the difficulty into which he knew he had got by finding relevant such an absurd and groundless libel, but as if to justify his conduct "remits the cognisance of the criminal part of the crime to the Lords of Justiciary." The fine of 500 merks had no reference to, and was not imposed for, the "criminal part of the crimes charged;" but there was nothing but crime charged against Snodgrass, and it was set out in the libel as being of a serious and grave nature, although described in a quaint and absurd manner. But a large fine was required, although there was no crime; and the Sheriff, having fixed the amount, divided the spoil between his Fiscal and Millar, one of his officers; and it will be observed

that this extraordinary prosecution was not instituted till March, 1795, although the alleged offence was committed in September in 1793. It is not surprising that such things, being openly done in the sacred name of justice,—the case of Snodgrass being by no means an exceptional one,—should have produced a general feeling of satisfaction throughout Scotland when heritable jurisdictions were at length abolished, the services of irresponsible officials paid by what they could levy in fines dispensed with, and Sheriffs appointed and paid by, and made responsible to, the Crown.

The following is a full copy of the proceedings in the criminal libel,—John Millar, Sheriff-officer, and John Tarbet, Procurator-Fiscal, *for his interest*; against Hew Snodgrass, multurer in Seedhill Milns:—

INDICTMENT.

“Alexander, Earl of Eglinton, Sheriff-Principal of Renfrew, and Principal Baillie of Regalitie of Pasley.

“Forasmickle as it is humbly meant and shown to us be our Lovitt John Millar, one of our Sheriff and Regality Officers, and John Tarbet, our Pror Fisk of Court, for his interest upon and agt Hew Snodgrass, Multurer of the Seidhill Mylnes of Pasley: That qr by the twenty two Act parliament I. 6th 1621, it is statute and ordained that whosoever makes or doeth a false writ, or is accessarie to the making yrof, shall be punished with the pains due unto the committer of falsehood, and yt it shall not be lawful for any person counterfeiting, falsifying, or being accessory thereto, to declare in Judgment that he copyeth from the said writ; but if, after the tryal, the writ be found false, the passing from or declaratione of the party that he will not use the same, shall not set asyde frae him the punishment due unto those who writ falsehood. Likeas by ane particular law of this King, doing, imitating, or interfering with subscriptiones are severely punishable, although the writ was never made use of to the hurt of any person interested; the every act of fabricating or interfering and falsiefying of any person’s subscription to any writ being ane cryme which deserves and merits punishment. Yet notwithstanding it is of verity that in the month of Septembre, 1693 years, or ane or another of ye days of the sd month, the said Complainer John Millar having by virtue of ane precept upon ane Decreet at the instance of John Cochran, in Candren, lawlie purchased from the said Hew Snodgrass ane gray horse and caused apprise the samin, he the sd Defender did in the duelling house of Patrick Carswell, mercht, late Baillie of Pasley Counsell, order and direct the said Complainer to give him the executione of the appryssing, and to subscribe the same himself, and so set to and counterfitt the witness subscriptione thereat, which he refusing to doe the Defendcr did threaten he would cause him doe the same or he went out of the roome, and in order yrto closed the door and suwar he would make him doe it, which the said Complr still refusinge to doe, he the Defr did publicly tell him if he would not doe it he would doe the same himself, AND ACCORDINGLY did take ane pen and counterfeited and put to the subscriptiones both those of the Complr and the rest of ye witnesses, whereby it

is obvious the Defr hath contraveaned the said laws of this natione, thereby committed ane cryme, and yrfor aught and should not only be unlaued at ye instance of ye sd John Millar, but also to be punished in his person and goods at the instance of the Pror Fiscall, in terror of oyr to doe ye lyke in time coming. Heirfor, &c.

“Sixth March, 1695. Actor purer, Defr absent, and ye Lybell remitted to probatione.

“Pursuers condescend per testes.

“The Judge ordains the Defr to be cited.

“JO: CRAWFORD, Sh: Dep.

“The following evidence was led :—

“16 March, 1695.

“Francis Sloaman, married, of the age of thritie six years or thereby, being solemnly sworn and interrogat, depones that John Millar, the Complr, poynded ane horse from the Defr, conform to ye Lybell, and that the Defr came after the poynding and appraisure of ye said horse and craved ane executione of ye poynding and appraisure : accordingly the said John Millar gave to the Defender, which the Defr doubled over and desyred Millar to sign the same, and threatened him after refusall to doe the same in this manner by steeking the door and saying by God ye shall doe it, and after Millar's positive refusall sat doun, and with his own hand and writ both the executors and witnesses names to the said executione, and gave back the execution yt Millar had given him, and put the other he had writ himself in his pockett : and this is of verity, as he shall answer to God. Depones he can write no oyr way except print.

“F.S.

“JO: CRAWFORD, Sh: Dep.

“Pursuer's further probation on Monday first.

“18 March, 1695.

“Patrick Carswell, married, of the age of fyftic or yrby, solemnly sworn and interrogatt, depones that he was prest. with John Millar and Hew Snodgrass in his own house, vizt., the deponent's, whar Hew had ane execution of ane apprysing lyeing before him on the Table, and desyred the said John, the Executar, to sign the same, which he positively refused, and yrupon the said Hew rose in haste or passion and shut the door and put his back to ye same and said he would make him doe it in some raging words, and thereafter sett down the said John's name, who was executor thereof, and the witnesses name with his own hand, and rolled up the same and put it in his pocket, and delivered back the principal executione to Millar : and Knows no furdur : and this be of verity, as he sall answer to God.

“P. CARSWELL.

“Pursuers renounce furdur probatione, and crave sentence. The Judge appoynts to-morrow at 9 of the clock for ye sentence.”

SENTENCE.

“19 March, 1695.—The Judge having considered the Lybell and Depositions of witnesses, unlaws the Defender in Fyve Hundred Merks, the one half to the Fisk and the oyr to the Informer, and remit the cognitione of the Criminal part of the Cryme to the Lords of Justiciarie.

“JO: CRAWFORD, Sh: Dep.

Scandalous Sentence for Petty Theft, 1709.

THE peculiarly quaint form of libel, and the totally uncalled for punishment inflicted, in the case we now quote, amply illustrate the mode of administering the law by grievous and altogether disproportioned penalties for trifling offences, even when, according to the libel, committed three or four years previous to the date of the prosecution. The "sum of money" possessed by the accused, affords probably a clue to the adding of the "forced enlistment" to the excessively heavy pecuniary penalty inflicted.

In the year 1709, John Deans, residing at Newlands, in the parish of Cathcart, was charged by the Procurator-Fiscal with "pickering and thieving, by taking away several stobs from timber dykes, and drawing of beans and peas stacks, several times within the previous three or four years;" and as was then usual, in order to give some colour to the charge, Deans was accused of being "under the bruit or fama thereof," and of being idle and unemployed. Even if the whole charge in the libel had been found proved, the sentence was altogether unjustifiable; but the Sheriff only "Finds the defender's being under a common bruit and fama of thieving and pickering clearly proven, and likewise the defender, John Deans, his breaking down and carrying away of the timber of Newlands pale dyke, clearly proven under cloud of night." Admitting the guilt of Deans to the extent of his pulling and carrying away a stob or two from the paling at Newlands, and that the wind of this very petty pilfering having reached the ears of his gossiping neighbours, there was among them "a bruit and fama of it," which is all that the Sheriff finds proven, it will surprise our readers to see from the proceedings we now publish, that the Sheriff on the craving for sentence by the Fiscal, fined Deans "in the sum of £180 Scots, and adjudged him to goe abroad as ane recruit, to serve Her Majy under the command of any officer the Sheriff-Principal or his Depute shall please." This fine of £180 Scots, or £15 sterling, was in 1709 a very large sum, considering the then value of money, as it would have purchased half a dozen horses or cows, or twenty bolls of oats, and was equal to six years' fee of a farm servant, this being Deans's position; and, in addition

to the fine, he was forcibly sent abroad to serve in the army. But there is a curious fact brought out in the case for the prosecution. Deans had some money lent on bond to James Maxwell in Newlands, and dreading a threatened prosecution in consequence of the bruit against him, he went to Mitchell and stated "that there was slander raised upon him of drawing of stakes," *and to prevent his money falling into the hands of the Sheriff*, he wished the bond transferred to his brother, which was done. What connection there was between the sum in the bond and the infliction of so enormous a fine, and the sending of Deans out of the country, may thus be conjectured. But for his owning this money, it is not easy to conceive how a fine of £180 Scots should have been imposed on a farm servant for an offence so paltry. That the public interest did not call for the punishment is clear enough ; but there were other interests involved, and perhaps Deans's money was necessary to satisfy them.

The complaint raised at the instance of the Procurator-Fiscal against Deans, narrates "that within these three or four years, he, "under cloud of night, clandestinely and at his ain hand, intromitted and away took severall goods and gear from severall persons, "and reiterated the fisd facts of peckering and thieving, by taking "away frae timber dykes and drawing of beans and peas stacks "sundry tymes within the tyme forsd, and away taking and carrieng "the same to his own house and oyr plais, yt he might the better "conceal the same ; and particularie did severall tymes in the "night tyme went to ane bean and pease stack in Newlands, "belonging to his neighbors yr, and drawed considerable quantities "of peas and beans, and the straw some tymes yrof he took away "to his ain house and took off the pease and burnt the straw "thereof ; and severall tymes the pease has been seen straggled and "scatered from the stack to his door whar he lived. As also he at "ane oyr tyme did intromit with, and away take from the dyke in "Newlands, ane considerable quantity of stabs and other timber "made up in ane dyke, and likewayes committed severall oyr facts "and acts of pickery, thieving, and wrongous intromission, and has "perpetrat the same frae tyme to tyme, and has been under the "bruit and fame yrof ; and that he might the better accomplish his "sd unlawfull acts of pickery and thieving, cast himself out of all "service since Martimas last, and had no lawfull employment ; and "the rumour scattering abroad and being conscious to himself that

“ he was guilty, he went to ane James Maxwell in Newlands, who
 “ was owing him siller, and told him that there was ane report of
 “ his being a thief and could not tell him whether it could be proven
 “ agt him, ye defender, or not ; however, to prevent the Sheriff or
 “ any other getting of the money in case it was proven agt him, he
 “ told James Maxwell that he would alter the bond and make it in
 “ his brother’s name, that the same might be secured from the
 “ Sheriff, and said he would give him down a pairt and suit a tyme
 “ to pay it, in which are great presumptions that he was conscious
 “ of his guilt, which, being verified and proven, the defender ought
 “ and should not only be fined in five hundredth pound of fyne, but
 “ also punished in his person in terror of ye oysr.”

The following interlocutors of the Sheriff are copied from the proceedings :—

“ WILLIAMWOOD, Judge, 31 March, 1709.

“ Actor prosecutor present. The Defender absent, therefor fynes him in Ten Pound for contumacy. The Judge finds the complaint relevant, and admitted ye same to probation, for ye defence, reserving modification to the tyme of sentence.

“ J. MAXWELL, Sh : Dep :

“ The Prosecutor condescends per testes.”

“ Paisley, 4th April, 1709.—Having considered the Complaint and depositions of the witnesses adduced for proving yrof : Finds the Defender’s being under a common bruit and fame of thieving and pickery clearly proven. Likewise finds the Defender John Deans his breaking down and carrying away of the timber of Newlands pale dyke clearly proven under cloud of night, and that the Defender is ane idle person out of all employment or service, also proven : And therefor adjudges the said John Deans to goe abroad as ane recruit to serve Her Majy or her allyes under ye command of any officer to whom the Sheriff principal or his Depute shall please deliver him : As also, Fines and Amerciates the sd John Deans in the soume of One Hundred and Eightie Pounds Scots money to the Fiscal of Court, and ordains his readiest goods and gear to be poynDED and apprysed for payment of the same, *secluding all personal execution agt the sd John Deans for payment of ye fyne during the sd John Deans his conteenowing in Her Maties or allyes services*, and likewise without prejudice of ye sd John Deans his lawful creditors, they being always first preferred for ye debts due to them preceding ye date hereof.

“ J. MAXWELL, Sh : Dep.”

Iniquitous Prosecutions under the Game Laws, 1716.

IN our first volume we took occasion to animadvert on an extraordinary libellous attack on the character and conduct of the Tenant Farmers of the County by the Noble Master of the Game, the Sheriff-Depute Semple, and the Procurator-Fiscal of Renfrewshire. The entire class of tenant farmers in many parishes in the County were by them accused of poaching, and forced, under severe penalties, to purge themselves on oath of an imputed charge thus recklessly and unjustifiably made against them. The proceedings of these officials being of an altogether unprecedented nature, we made special search in the Record Room for documents affording information of any kind that could have justified the dragging into Court and publicly charging the farmers, as a class, with poaching. We thought to find that in 1716, as in our time, the farmers of Renfrewshire were discontented with and determined to resist the destruction of their crops,—which from the state of agriculture in Scotland would then be very scanty,—by game which they were compelled to feed at a serious loss, for the exclusive use and amusement of the owners of land in the County of the yearly value of £1000 Scots, and their domestic servants; and that having carried their combined resolution into effect by killing the game, and thereby contravening the numerous Game Laws, the noble Gamekeeper, and the Sheriff and his Fiscal, had been forced, in order to maintain the supremacy of the laws and to put down such a combination, to bring the farmers in these and other parishes into Court; and, further, that the proceedings, although directed against the whole of the Tenant Farmers of each parish in a manner altogether illegal and unprecedented, had been caused by some concerted or wholesale destruction of the game. This, or any such excuse for these most extraordinary proceedings, we failed to find; and as the Record of the proceedings stand, the conclusion is inevitable that the prosecution was altogether uncalled for, and only instituted speculatively with the chance of securing large statutory penalties which it was possible might have been incurred, seeing that the offences were very numerous and the time within which they were alleged to have been committed spread over many years, while every door of escape was closed by each party accused being forced to purge himself of guilt by oaths

under pain of penalties for contumacy and payment of the statutory fines in case of refusal to swear.

In addition to the prosecutions directed against the farmers in Kilbarchan Parish, which we specially quoted in our first volume, we now publish the names of fifty-two tenants of land and others in the Parish of Kilmalcolm, who were brought into Court, in 1716, in one general complaint, in which there was neither specification of time, place, or of offence, but only a recital of the numerous statutes; the fifty-two accused parties being charged with having one and all of them been guilty of one or all of the offences therein specified. There was no attempt made to prove the complaint against either of the accused parties by witnesses, nor would this have been an easy task, for the Public Prosecutor did not proceed on information, but endeavoured to gain his purpose by this most extraordinary course of bringing every Tenant Farmer in the parish within the meshes of a legal net, which he carefully drew around them in condescending that he would prove the complaint by the oath of the accused parties individually. This the Sheriff held to be relevant, and thus allowed facilities for entrapping the accused by forcing them either to purge themselves of every offence against the game and other penal statutes quoted in the complaint, or submit to punishment.

The following is a copy of the list of the fifty-two Tenant Farmers and others in the Parish of Kilmalcolm to which we refer, with the pleas of admission or denial stated on oath by each respectively. We also add the decision of the Sheriff.

Kilmalcom, 9 April, 1716.

In Causa, The Fisk, Agt Delinquents.

Actor, P.-F., instructs diligence and Condescends Jurator of the whole Defenders.

Compared—

James Holms in Buits, who confesses guilty.

John Urie in Horse Craigs, confessed.

James Rennie in Heugh, deponed negative.

Alexander Millar in Newton, deponed negative.

John Laird in Barsharock, confesses guilty.

William Scott there, deponed negative.

John Miller, Yr., in Glen Miln, confesses guilty.

James Whytehill in Beerhill, deponed negative.

Alexander Holms in Wraes, confesses guilty.

John Craig in Bridgend, deponed negative.

John Holme in Wood, deponed negative.

James Gardner, Blackholm, deponed negative, except ane Hare with a Girne.

John Lyle in Bridgeflat, confesses guilty of Teels and Duke and Draik.
 James Arskin in Mathernock deponed negative to any shooting without Kilmaronock bounds.
 George Aitken in Auchenber, deponed negative as above.
 James Killock there, deponed negative as above.
 Patrick Crawford in Youngstone, deponed negative as above.
 John Mathie in , deponed negative as above.
 John Galbraith, Yr., deponed negative.
 John Orr in Kilbryde, deponed negative.
 Andrew Rodger there, deponed negative.
 John Park in Auchendrach, deponed negative.
 John Holmes in Castlehill, confesses guilty of Duke and Draik.
 James Holmes there, confesses as above.
 John Campbell in Broadfield, deponed negative.
 George Erskin in Mathernock, deponed negative.
 John Taylor in Auchenleck, deponed negative.
 Alexander Holmes there, deponed negative.
 James Lang there, deponed negative.
 Alexander Taylor in Auchentorlie, confesses guilty.
 James Taylor there, deponed negative.
 John Laird in Dennistoun, deponed negative.
 Thomas Dennistoun in Bardrennan, deponed negative.
 Patrick Carruth in Dennistoun, deponed negative.
 John Caddie there, deponed negative.
 William Holme in Corsehill, deponed negative.
 Robert Orr there, deponed negative.
 John Pollock in Auchenleck, deponed negative.
 Wm. Stirrat in Newark, acknowledges guilt without Kilmaronock ground.
 William Haning in Dennistoun, deponed negative.
 Francis Millar, Mercht, in Newark, acknowledges shooting a Cock.
 John Gardner, Walton, deponed negative.
 John Orr, Smith in Kilmalcolm, confesses guilty.
 James Hall in Duchall, deponed negative.
 James Crawford in Park, deponed negative.
 John and Patrick Cuthbert and Charles Menzies, Carpenters in Newark, and George Rolland, Boatman, absent.
 John Park in Kilmalcolm, deponed negative.
 William Semple in Kilmalcolm, refuses to depon, and confesses a small Teel.
 Alexander Wilson, Yr., deponed negative.

Thus, of the fifty-two accused parties, forty-two deponed negative to the whole offences specified in the numerous game and penal statutes libelled on. These respectable men had thus causelessly been dragged into court, and an attempt made to entrap them into an admission by putting them on oath, although the offences sought to be brought home to them were of a criminal nature. The only admission of contraventions made by six of the defenders were the

killing, among them, of a hare, a cock, two teal, and two ducks and drakes. For these miserable offences, these six defenders were mulcted in £120 Scots, or £20 Scots each, a large sum in 1716, taking the value of money then into account. Other six defenders having pleaded guilty generally, were each fined in similar sums, although, from the nature of the contraventions not being specified, their offence may merely have been steeping their lint in a running burn, or taking a trout from the burn, or such other offences as had been admitted by the other six defenders; and four did not appear, and were fined £10 Scots each for contumacy and were to be subjected to farther prosecution.

SHERIFF SEMPILL'S JUDGMENT.

“Kilmalcolm, 9 April, 1716.

“Having considered the relevancy of the Complaint, with the acknowledgments of James Holms in Buits, John Urie in Horse Craig, John Laird in Bar-sharock, John Miller, Yr., in Glen Miln, Alexander Holms in Wraes, James Gardner in Blackholm, John Lyle in Broadflat, John and James Holms in Castlehill, Alexander Taylor in Auchentorlie, William Stirrat in Newark, James Miller, merchant there, John Orr, Smith in Kilmalcolm, William Sempill there; and John and Patrick Cuthbert and Charles Menzies, carpenters in Newark, and George Rolland, boatman there, being lawfully summoned to this diet, and not compearing, they are holden as confessed, Therefore Fynes and Unlaws the forenamed persons, and ilk ane of them in the sum of Twenty Pounds Scots to the Fiscal, to be paid within the terms of law, except the above four absent, who are only fyned in Ten Pounds Scots for contumacy, and therefore to be cited again.

“Ro: SEMPILL, Sher: Dept.”

Such proceedings as these had certainly no precedent, except in the Star Chamber, where offenders were made to inculcate themselves by forcing their consciences through terrors of the thumb-screw. In no other court in Scotland, so far as we have been able to find, were such iniquitous wholesale prosecutions directed against, not individual offenders against whom information had been obtained to justify prosecution, but against the respectable inhabitants of a great part of a county. The noble Master of the Game, the Earl of Glencairn, Sheriff Depute Sempill and his Fiscal, happily for themselves, lived in times when they could not be brought under the surveillance of a free Press, or a Parliamentary enquiry into their official conduct.

Continuance of the Prosecution in other Parishes.



THE prosecution of the fifty-four tenants of Kilbarchan, and the fifty-two of Kilmalcolm parishes, seems but to have whetted the appetites of the master of the game and the officials, in their career of spoilation and plunder. The prosecutions in both instances were grossly irregular and oppressive, and had they stood alone might have been thought to have proceeded from ignorance of legal form, and from no organised design to oppress the whole county to realise penalties which, like most others then imposed, went into the prosecutor's pocket. But the "hawl" in both cases had proved too much for the virtue of the Renfrewshire authorities, and, within a month, seems to have tempted the noble master of the game, the Sheriff-Depute Semple, and the Procurator-Fiscal, to further and greater experiments, by casting their legal net around a large part of the county, and, with one fell swoop, dragging into its meshes the tenant farmers and occupiers of land in the Parishes of Houston, Kilallan, Erskine, Port-Glasgow, and Lochwinnoch. The reader must keep in view that the accused parties, from their respectable position, were little likely to be poachers or guilty of any lawless conduct, and that the charges against them were in no instance particularly specified in the complaints, but were quite general, comprehending *every* contravention of *every* game statute; also, that the time when committed was not given beyond stating "within several years bygone," and no place or places were specified, and that the penalties were cumulative and of ruinous amount; that the mode of proof was not by witnesses, but by putting each defender (although the prosecutions were criminal) on oath, and causing him either to swear affirmatively or negatively to every contravention of every statute libelled; and that absence from court or refusal to depone were held as constituting guilt. Looked at in this light, we feel that we do not exaggerate when we state that such prosecutions were illegal and oppressive, and placed a foul blot on the judicial character and administration of the law in Renfrewshire.

The number of persons accused in the five parishes we have mentioned is large, and we confine ourselves meantime to a copy of

the list appended to the Complaint against the Tenant Farmers of Houston Parish, viz., thirty in number, with their depositions:—

Thomas Orr, in Birkenhead, deponed negative.
 William Speir, in Burnbrae, deponed negative.
 William Nelson, in Fullwood, deponed negative.
 John Bartholemew, deponed negative.
 William Bartholemew, deponed negative.
 Thomas Whyte, in Little Fullwood, refuses to depone.
 John Whyte, yr., refuses to depone.
 John Crawford, refuses to depone.
 James Caldwell, in Mains of Houstoun, deponed negative.
 John Wilson, yr., deponed negative, except a dove.
 Archibald Houstoun, yr., deponed negative.
 John Houstoun, there, deponed negative.
 Matthew Barr, yr., deponed negative.
 Alexander Shearer, yr., deponed negative.
 James Picken, yr., deponed negative.
 James Henderson, Beyond the Hill, absent.
 John Wallace, in Barshagrie, deponed negative.
 James Patison, in Gryfeswraes, deponed negative.
 James Cumming, deponed negative.
 William Blackwood, in Barfillan, deponed negative.
 Malcolm Henderson, yr., deponed negative.
 Robert Holmes, in Stabilie, deponed negative.
 John Bartholemew, in Swanstone, deponed negative.
 John Barr, in Pirretholm, deponed negative.
 John Orr, in Little Robert Yeard, deponed negative.
 Alexander Houstoun, in Howgate, deponed negative.
 Alexander Henderson, in Dryburgh Law, deponed negative.
 John Houstoun, in Houstoun, deponed negative.
 Robert Speir, in Burnbrae, confest.
 William Gay, in Newton, deponed negative.

Houston, 5th May, 1716.

ROBERT SEMPILL, Judge.
 The Fiscall Agt. Delinquents.

From this list, we learn that of the thirty persons complained against, twenty-four swore that they were not guilty of any of the innumerable contraventions of the statutes with which they were charged, and that they had thus been causelessly and oppressively brought into Court, their characters publicly assailed by being accused of poaching, and each of them put to the inconvenience and expense of appearing before the Sheriff. This was a wanton outrage on these men, one and all of whom, we may reasonably infer, were quite as respectable as any of the parties who had con-

spired to drag them into Court, and had compelled them to prove their innocence. One of the accused, James Houstoun, disregarded the summons, and failed to appear, and the proceedings against him were not carried farther. Thomas Whyte, John Whyte, and John Crawford refused to depone or to criminate themselves on oath, but each of them, and Robert Speirs, the only one that confessed, were fined in twenty pounds Scots, to be paid to the Fiscal, in terms of law.

The judgment of Sheriff Sempill was as follows :—

“Houstoun, 5th May, 1716.—Having considered the averments of the complaint with the pursuers condescension (on the mode of proof by oath of defenders), and that Thomas and John Whyte, in Little Fullwood, and John Crawford there, refused to depone in the terms of the condescension, wherefore fines and americiates each of ye sd defenders, and the sd Robert Spier in ye soume of twenty pounds Scots, to be payed to ye Fisk of Court, in terms of law. (Signed) RO : SEMPLI, Sher : Dep :”

In other five parishes the prosecutors were equally unlucky in bagging their game, the trap, so ingeniously laid having in almost every instance failed, by the defenders “deponing negative.” The game after all, if we take the results of these scandalous prosecutions as evidence of the fact, had not been suffering in the county, and the zeal of the noble gamekeeper and the interference of the Sheriff and Fiscal were therefore altogether uncalled for, and a motive of a less creditable nature must have induced them to prosecute. Such prosecutions could only have been attempted two centuries ago, when the people were powerless, and could not obtain either protection against the lawless conduct of the authorities, or redress for the injury which they thereby sustained ; but there cannot be a doubt that, even at that time, and especially where so many were plundered by the proceedings we have described, there must have been great consternation, and quite a storm of indignation created against the authorities of the county who had prostituted their offices to purposes so grossly and utterly unjustifiable.

The following is the form of information at the instance of the Earl of Glencairn, as master of the game for Renfrewshire, upon which the proceedings referred to were founded ; but, as will be observed, it does not contain the names of the parties complained against, or any statement of particulars of the offences. This information was followed by a complaint at the instance of the Fiscal, to which was appended a list containing the names of the parties

accused, there being a separate complaint and list for each parish. We have already given the form of complaint in noticing the prosecution of the tenant farmers of Kilbarchan, and do not now repeat it; but the noble gamekeeper's information, which we now print, has not previously been published.

INFORMATION.

“Alexander, Earle of Eglinton, fforasmuch as it is meant and shown to us by our Lord William, Earle of Glencairn, master of game within our Shyre of Renfrew, upon and agt the persons delinquents afternamed, that qurby the 208 act of K : Ja : agt : par : 7 : It is statute that no partridges, plovers, blackcocks, gray hens, muircocks, nor sick foules be taken with any manner of Instru-ment frae the beginning of Lentron Whyte August, under the pain of 10 Ps Scots Lyke as by the 23 act K : Ja : par : ib : It is statute and named that no person or persons sell or buy any does, partridges, muirfoules, blackcocks, arthens, wild ducks, tales, attales, heron, or any such kynd of foules, commonly used to be chaeased with hauks : And yt that under the pain 100 lb Scots as well to the seller as buyer : And yt non slay any muir pouts before the first of July, heath pouts before the first of August, or partridges before the first of Septer yearly : And yt non steep lint in waters qr fishes are under the pain of 40 P toties quoties attour confiscation of the lint it self : As also by the 14 par K : Ja : blb : all persons are prohibited to shoot at ducks, draiks, or any other wild foull within any part of this realme, under the penalty of 100 lb Scots : And in lyke manner by the 20 act igt parr of K : Ja : 7 : all common foullers and shooters of foull or any persons except they be domestic servs of noblemen or gentlemen who are hers of ane 1000 lb of valued rent are prohibited to make use of setting dogs or fouling guns, under the pain of
of such dogs or guns, and imprisonment of their persons for the space of six weeks toties quoties : And whoever shall shoot hairs shall pay ffourty merks for each yrof : It, that non kill smolts or trout with any ingure or dams the laws under the pain of slayers of said fish, which is ten pound : And yt no salmond be slain from the 15 Aug untill the 30 Nover : It, that none slay salmond after 15 Aug till 30 Nover
And the using of setting doggs prohibited under the pain of 500 mks : It, the renters of muir burn are finable toties quoties in fourty shill, and the masters to be lyable for all upon their ground. For putting of qsh lawes to due execution the sd Wm Earle of Glencairn nominate master of game within the sd shyre, and full power and priveledge granted to his Lop yranent In ane act of her Maties Privy Council, dated the 24 day of January, 1706 years : And true it is and of verity.”

Outrageous Penalty for the Rescuing of Recruits at Kilbarchan.



WHEN William, Prince of Orange, and Mary, his wife, were, by the Revolution of 1688, placed on the throne of England and Scotland, the estates of Holland were engaged in war, with no other very apparent object than to gratify the inordinate ambition of the Prince ; and the historians of Scotland say that “ for carrying on this war the resources in money and men of Scotland were nearly exhausted.” The laws against desertion from the army, or the assisting or abetting in such desertion, were rigorously and sometimes most unscrupulously and illegally enforced, causing much discontent in Scotland. The sympathy for the expelled Stuarts was still strong, and hence in some places, towards the close of the seventeenth century, public discontent and dissatisfaction were manifested by “ rabbling and molesting ” the soldiers engaged in procuring recruits for the army, or in searching for and securing of deserters. The Judicial Records of this county afford evidence of this existing disposition to resist military authority, in the numerous prosecutions before the Sheriff against parties who, having engaged to serve in the army, had failed to join their regiments, also against actual deserters and abettors of deserters, against whom the existing statutes provided the imposition of severe penalties. In the village of Kilbarchan, whose inhabitants, from the most remote period of its history, have ever shown a determined spirit of independence and hatred of oppression in every form, and who have been equally remarkable for their intelligence and love of political and religious freedom, there was, towards the end of the seventeenth century, a strong feeling against, and disposition to resist by mobbing, the recruiting parties engaged in supplying the men required from the county of Renfrew by their Majesties for the army, which led to unlawful overacts that brought not a few of them within the penal provisions of these statutes ; and we are now about to refer to a case where thirty-six of the inhabitants of the village and parish were, in one libel, and in accordance with a most oppressive and unjustifiable practice of thus bringing a score or two of persons into Court, prosecuted for

penalties, the prosecutor taking his chance, by putting them on oath, to get at some of them if they appeared to answer to the libel, and, failing appearance, holding them as confessed, and securing the penalties.

On the 26th and 27th days of June, 1697, Lieutenant William Lindsay and William Orr, sergeant in Captain Menzie's troop of dragoons, with a party of soldiers, having attempted at Kilbarchan to apprehend William Paterson in Kilbarchan, as a deserter from their Majesties' service, a mob of the inhabitants did "raball" together, and with battouns, rungs, and stones, fall upon the said Lieutenant Lindsay, and did batter, wound, and blood him, and did all that in them lay to rescue the said deserter, and did also fall upon the person and body of the said William Orr, and others who were aiding and assisting Lieutenant Lindsay in apprehending the said deserter. From information, which, so far as tested, proved to be incorrect, the Procurator-Fiscal selected the following thirty-six inhabitants, male and female, of the village and parish for prosecution, for mobbing and assaulting Lieutenant Lindsay and those under his command, and rescuing of Paterson, viz:—George Sinclair, in Kilbarchan; James Park, in Ranfurly; James How, in Kilbarchan, and Margaret Innes, his spouse; James Park, yr., Jannet M'Ewing, his spouse; John Love and Jean Kerr, spouses; Thomas Millar; William Caldwell; Robert Love and Joan Barbour, spouses; William Laird and Margaret Love, spouses; William Wardrop and Margaret Black, spouses; Robert Calder and Joan Houston, spouses; Isabel Houston, yr., servant; John Glen and Marion Orr, spouses; Elizabeth Kelso, yr.; John Paterson and Elizabeth How, yr.; John Houston and Margaret Park, spouses; William Gardner and Joan Drummond, spouses; John Young and Joan Houston, spouses; Barbour; Isabell Crawford, servant; William Hair and Margaret Gardner, in Braidland; John Young, yr., and Joanna Pattison, yr. Against all these persons a criminal libel was, in July, 1694, raised before the Sheriff at the instance of Lieutenant Lindsay and William Tarbert, Procurator-Fiscal, and, according to the officer's execution of service of the libel, "the whole of them and others were cited personally to appear before the Sheriff and Baillie of the Regalitie of Paisley, within the Tolbooth of Paisley, on the 18th day of July, in the hour of cause to answer at the instance of the Procurator-Fiscal of Court." The case was called before Robert Crawford, Sheriff-Substitute and

Baillie of Regalitie, by whom, on the diet of appearance, the follow-interlocutor was pronounced :—

“ 18 July, 1694.—Lieut. Lindsay and Pror Fiscall prt., and craved that those who were absent may be holden as confest and decerned, and that the libell may be admitted to probation against those present. The Judge admits to probation jurato as to those present ; the rest holden as confessed and decerned.

“ JO : CRAWFORD, S. D.”

Of the thirty-six accused parties above-named, twenty-six failed to appear, and, according to an extract of the sentence found among the proceedings, were fined in the sum of ten pounds sterling each to the Fiscal, and ordained to produce Paterson, the deserter, to Lieutenant Lindsay, that he might be conveyed to his regiment.

Of the defenders, ten appeared ; and, as was then the practice in criminal or statutory prosecutions, the prosecutors, who were allowed a proof of the libel, put each of them on oath to prove his or her guilt, from which it may reasonably be inferred that William Tarbert, Procurator-Fiscal,—a most active public prosecutor, never over scrupulous, as we have shown, as to the means of securing a conviction,—had, with one exception, failed otherwise to obtain any legal evidence of their having taken any part in the offences charged in the libel. These defenders, having been sworn, deponed as follows :—

“ John Park, being sworn and interrogatt, depones negative, and declares he cannot write.

John Glen, being sworn, depones negative.

Robert Taylor, *ut alter*.

Robert Houstoun, *ut alter*.

John Thomson, *nil novit*.

Jannett Paterson depones *nil novit*.

Marion Orr depones ignorant.

John Young, *ut alter*.

John Crawford depones negative.

George Sinclair, being solemnly sworn and interrogatt judicially, confest that he was amongst the Raball, and did cast stones at the Lieutenant and his partie.

18 July, 1694.—The Judge adjourns the Court till four of the clock afternoon, and ordains the said Sinclair, Defr., to remain in prison, or find caution to appear the said tyme.”

Thus, for an ebullition of irritated popular feeling, and some unlawful conduct which that feeling seems to have produced, the sum of £3120 Scots, or £260 sterling,—an enormous sum, taking the value of money in 1694 into account,—was imposed on the twenty

six inhabitants, male and female, of the town and parish of Kilbarchan who failed to appear. This cast of the Fiscal's net at a hazard over the population, in order to make sure of catching the guilty parties, was therefore very successful, and must have caused great consternation and individual suffering among the accused parties, amounting as it did to an average penalty of £10 sterling per head. It would most certainly operate, in the words of the libel, "in terror of ye others not to doe ye lyke;" and "yr Maieties" would, by securing Paterson, add a unit to thousands of his countrymen forcibly sent to Flanders to support "the Prince" in his ambitious desire to rule over or dictate to all the powers in Europe. But, as one of too many instances of arbitrary and oppressive proceedings by Hereditary Sheriffs and their numerous subordinates, it cannot be sufficiently condemned, and is another example of the reprehensible inquisitional forms of procedure we have over and over again condemned.

Prosecution for Brawl on the Highway,

1716.



THE case we append to our present notes, while it shows the tendency to break the public peace, gives at the same time a good idea of the manner in which such offences were met by the deputies of the principal Sheriff of the County and the Procurator-Fiscal, ostensibly in the public interest, but, so far as regarded the application of the fines and penalties imposed, in reality for their own. However well merited punishment, in some instances, was due, it cannot but be remarked that the amount of the fine was generally excessive and disproportioned to the offence, the most trifling breach of the peace being never visited with a punishment of a fine of less than £10 Scots, while in some more serious cases £100 Scots, and even £500 Scots, was imposed. The value of money a century and a half ago was so great, compared with its present value, that these fines, although imposed in Scotch money, were enormously high.

On the twelfth day of October, 1716, William Wilson, in Drums, in Erskine Parish; William Sempill, at the Kirk of Erskine; and

William Rodger, there, met on the high-road from Newark to Erskine, and "some frivolous words having passed between them" they fell to blows, and with stones, rungs, batons, and their fists, beat, dragged, and wounded each other to the great effusion of their blood; and, as appears from the evidence led, one of them had a nail of one of his finger taken or bitten of. For this offence of "blood and battery" a complaint was presented against them to Sheriff-Depute Sempill by Charles Simpson, Procurator-Fiscal of Court; and in absence of two of the defenders, Sempill and Rodger, the Sheriff imposed on each of them a fine of £10 Scots, "in terror of ye oyers to commit ye lyke in tyme coming." "Ye oyers," or the general public, were not, however, if we may judge from the number of such prosecutions by Mr. Simpson, the zealous Procurator-Fiscal of the County, much terrified, or their tendency to outrage and violence at all influenced by the heavy fines thus inflicted on these three inhabitants of Erskine Parish. The Sheriff does not seem to have held his Courts always within the Court House, in the Tolbooth of Paisley, where his administration of justice in civil or criminal cases would have been open to the observation and criticism of the public, but, probably thereby studying his own convenience, held his courts at Balgreen, his residence in Kilbarchan parish, or other places. This was one of the abuses of heritable jurisdictions, whereby their existence became intolerable; and with political reasons arising out of the rebellions of 1715 and 1745, caused all such jurisdictions to be abolished by the Act of George the Second, passed in 1747.

The following is a copy of the proceedings at the instance of Claud Simpson, Procurator-Fiscal, against William Wilson, William Sempill, and William Rodger:—

"To the Earle of Eglinton, Hereditary Sheriff Principal of Renfrew and
Principal Baillie of the Regalitie of Paisley,

"Complains Charles Simpson, proor fiscall of Court, upon and against William Wilson, in Drumms, Wm. Sempill, at the Kirk of Erskine, and Wm. Rodger, there: That wher the beating, blooding, and battering of any of his Maj. free Leidges are crymes of ane heigh nature, and severly punishable: Notwithstanding grof, true it is and of verity that the sds Three defers, Wm. Wilson, Wm. Sempill, and Wm. Rodger, haveing upon ffryday, the twelfth of Octor instant, or ane or other of the days of the sd month, mett upon the heigh way betwixt Newark and Erskine Kirk, and ther, after severall frivvilous words passing between them, They fell to blows, and with stones, rungs, battons, and ther fists, They did beat, drag, and wound one another to the great effusione of ther blood,

wherby the sds three defers and each of them are guilty of ane blood and battery, and therfor ought to be punished in ther persons and goods, to the terror of others to committ the lyke in tyme comeing.

“Kilbarchan, the 20 Octor, 1716.

“Actor pr se who instructs personall dilligence. Wm. Sempill and Wm. Rodgers absent. The judge ffinds and amerciats ilk ane of them in the Soume of Ten pound Scots of contumacie ; and having considered the Complaint, ffinds the same relevant agt Wm. Wilson, present, and the oyr two, absent, defers, and admitt the same the pursers probatue.

“RO. SEMPILL, Sheriff-Dept.

“The pursr condescends pr testes as to all defirs and diligence called. Compeared John Blackwood, in Neuton, aged 30 years, maried, who being solemnly sworn and examined, Depones that the tyme lyballed he was upon the road with the defrs, betwixt Newark and Erskine, wher he saw Wm. Wilson comeing rydeing and whyp with a small rod Wm. Sempill and Wm. Rodger's horses and themselves, so that Wm. Sempill fell from his horse, who went over him ; and yrafter saw Wm. Wilson whipe Wm. Rodger's horse afterward, and then saw Wm. Rodger alight, and saw him and Wilson goe into grips togr and throw one another down to the ground ; and then saw Wilson goe forward a considerable peice of way, and then saw him return and throw stones at Rodger, and they went by the ears and beat one another, and saw them fall to the ground, which time the deponent separat them, and saw them both blooding, and heard Wm. Wilson say that he had lost the nob of naill of his finger, *causa scientiæ* patet, and that is the truth, as he shall anssr to God ; and depones he cannot wryt ; and also depones that the deponent has seen Wilson's finger that it had lost a joynt since syne.

“RO. SEMPILL, Sheriff-Deput.

“Compeared James Ker, in Gatesyde, aged 40 years, maried, who being solomnly sworn and examined, Depones that he saw the three defers the tyme lyballed fall into a struggle and beat one another on the heigh way, and yrafter saw Wm. Rodger and Wm. Sempill both blooding, and heard Wm. Wilson say he had lost a peice of his finger, *causa scientiæ* ; he was rydeing on the road at the tyme ; and that is the truth, as he shall anssr to God, and depones he cannot wryt.

“RO. SEMPILL, Sheriff-Dept.

“Compeared John Ffultoun, in Damherd, aged 36 years, maried, who being solemnly sworn and examined, depones in omnibus as John Blackwood, and that the truth, as he shall anssr to God, and depones he cannot wryt.

“Compeared Wm. Ffultoun, ther, aged 44 years, maried, being solemnly sworn and examined, Depones in omnibus as Jon Blackwood, except that the deponent saw no stones thrown, and that is the truth, as he shall anssr to God, and depones he cannot wryt.

“RO. SEMPILL, Sheriff-Dept.”

“Kilbarchan, 20 Octor, 1716.

“Haveing considered the relevancie of the Complaint, with the probation aduced ffor proveing thereof, Ffinds it proven that the three defers wer all in a

struggle upon the heigh way, and that they beat one another with rungs and staves ; and that the wholl defers were cutt and woounded with the stroaks given in the scuffle, to the effusion of ther blood, and lykeways that Wilson lost a joynt of one of his fingers in the scuffle, and therfor ffinds and amerciats each of the defers in fifty pounds Scots, attour the fyne for contumacie.

“RO. SEMPILL, Sheriff-Dept.”

Killing a Horse charged in Criminal Libel as Murder, 1721.



AN illustration of the extraordinary manner in which justice was administered by the Hereditary Sheriff of Renfrewshire and Principal Baillie of the Regalty of Paisley, and by his lordship's deputies and substitutes, we have already, in a former volume of *Selections from the County Records*, given some examples of the criminal libels, proceedings, and sentences in their courts. But of the very numerous cases we have examined, no one is more extraordinary than that which forms the text of the present notes. Here, in 1721, we find, in a criminal libel raised before the Sheriff at the instance of a private party, with concurrence of the Procurator-Fiscal of the county, the crime of killing a horse charged as “murder of the said horse,” and a craving made that the person charged with this novel crime should be punished in his person and goods “in terror of others to committ the like in time coming.”

This case was instituted by James Paterson in Followhills, and the Procurator-Fiscal of Court for his interest, against Robert Paterson in Cornillies ; and in the major proposition in the libel, it is stated, “That where any person doth wilfully, and of set purpose, stick, butt, or stabb one other person's horse, without the owners consent, with ane knife, sword, or other invasive weapon, especially where the wound given thereby proveth mortall, and the horse dyethe within a little time thereafter, the actor *becometh guilty of the murder of the said horse, and is liable in condign punishment* in his person and goods, being ane crime of ane high nature.” In the minor proposition, it is charged that “the said complainer, at

Candlemas, 1719 years or thereby, had belonging to him ane dinn gray horse at that time standing in the closs or stable of James Watson, in Lang Vinnell, in Greenock, and the said defender having conceived malice against the complainer, and purposed ane evel to him, which he had formerly threatend and menaced to do, which he not obtaining execute upon himselfe, was at the time foresaid seen goe in to the closs or stable wher the foresaid horse was standing, where he stabbed and cutt the foresaid horse in the belly, a little above his wand or sheath, with ane knife, and was seen standing bye or near to the said horse, dighting the said knife or other weapon, and then reteared from the said place where the horse was, and immediately there upon the horse was gote standing runing out of blood, and the puddings and intrails hanging out at the said wound, and dyed within twenty-four hours thereafter, by which it is plain and evident that the said defender is the only person guilty of the death of the said horse, the horse being found with these wounds, and in the condition aforesaid, immediately on the defender's coming out from him and seen both goe in and come out and also standing by the said horse dighting the foresaid knife." For which murder of the said James Paterson's horse, he and the Fiscal craved first, that the defender should be decerned to pay the value of the horse; second, to make payment to him of his "dammadges" to be modified by the Sheriff; and third, that the defender should be punished in his person and goods at the Fiscal's instance in terror of others.

On the 15th March, 1721, the defender was summoned to appear before Sheriff-Depute Sempill, within the Tolbooth of Paisley, on the 16th and 18th days of same month; and having appeared on the 18th with his agent, objections to the relevancy of the libel were urged, and particularly that the Sheriff was not competent to try the defender for murder, which was the offence charged; that the killing of a horse as charged was not murder, but only maliciously wounding and killing the horse; and that the charge being thus irrelevantly laid, and the judge incompetent to try the accused upon it, the libel ought to be dismissed and the accused assoilzied. The Sheriff, however, on considering the libel and answers made thereto, repelled the answers and found the complaint relevant to infer arbitrary punishment, and admitted the same to probation.

Another course might have been looked for from Sheriff Sempill, who having had at least twenty years' experience of the duties of

Sheriff-Depute, ought at once to have seen the absurdity and irrelevancy of the charge as libelled.

The defender's agent protested against the Sheriff's finding, and intimated his intention to advocate the cause to the Supreme Court.

This intimation seemed to have had the effect of opening the eyes of the Fiscal to the utter absurdity of the charge in his libel, and of inducing him to abandon the proceedings, and the Sheriff was saved from committing himself further by entertaining a charge unprecedented, we believe, for its irregularity and absolute absurdity, even in a court of an heritable judge,—although from examples formerly given of the proceedings in the courts of the hereditary judges in Renfrewshire, any amount of irregularity might be looked for.

The following is a copy of the libel we have referred to, and of Sheriff Sempill's interlocutor of relevancy:—

“COMPLAINT.

“To the Earl of Eglinton, Hereditary Sheriff-Principal of Renfrew, and Principal Baillie of the Regality of Paisley.

“Compleans James Paterson, in followhills, and the procurator fiscal of court for his interest upon and against Robert Paterson in Carnilies, that where any person doeth wilfully and of sett purpose, stick, cutt, or stabb, ane other person's horse, without the owner's consent, with ane knife, sword, or other invasive weapon, especially where the wound given thereby proveth mortall and the horse dyethe within a little time thereafter, the actor becometh guilty of the murder of the said horse, and is lyable not only in reparation to the party lessed for the valow of the said horse and damnadges, but also to condign punishment in his person and goods, being ane crime of ane high nature; and it being true and of verity that the said compleaner at Candlemass, seventeen hundred and nineteen years or thereby, had belonging to him ane dinn gray horse at that time standing in the closs or stable of James Wattson, in Lang vinnal in Greenock, and the said defender having conceived malice against the complainer, and proposed ane evel turn to him, which he had formerly threatened and menaced to do, which he not obtaining execute upon himselfe, was at the time foresaid seen goe in to the closs or stable wher the foresaid horse was standing, where he stabbed and cutt the foresaid horse in the belly, a little above his wand or sheath with ane knife, and was seen standing by or near to the said horse dighting the said knife or other weapon, and then retreated from the said place where the horse was, and immediately there upon the horse was gote standing runing out of blood and the puddings and intrals hanging out at the said wound, and dyed within twenty-four hours thereafter, by which it is plain and evident that the said defender is the only person guilty of the death of the said horse, the horse being found with these wounds and in the condition aforesaid, immediately upon the defender coming out from him and seen both goe in and come out and also standing by the said horse dighting the foresaid knife, which being verified and proven he ought and should not only be decerned to pay the valow of the said horse, for

which the pursuer ought to have oath in litem, and also his damages to be modified by your Lorp; but to be punished furdur in his person and goods at the fisk's instance in terror of others to commite the like in time coming."

SHERIFF SEMPILL'S INTERLOCUTOR OF RELEVANCY.

"Paisley, 18 March, 1721.

"I having considered the Complaint with the answers made thereto, Repells the ansrs and finds the complaint relivant to inferr ane arbitrary punishment, the pursr proveing premeditated malice and variance, and that the Defr was seen with a bloody knife in his hand neer and at the tyme the horse lyballed was stuked, and admits ye Complaint to probatione.

"RO: SEMPILL, Sheriff Dept."

The Defr protests and intimates advocation to the SupremeCourt.

Vindictive Punishment of Three Paisley Weavers, 1749.



HE last case to which we shall refer as illustrative of the reprehensible and vindictive spirit in which the law was administered, and the evidently selfish purposes of those engaged in the prosecution, is that against a trio of Paisley Weavers, who had quarrelled amongst themselves on the public highway, and who, but for the public prosecutor, would have willingly settled matters among themselves, and allowed "byganes to be byganes." Sheriff M'Dowall, the first of those appointed by the Crown, shortly after entering upon the important duties of his office, took occasion to remark upon the practice in the Sheriff Court of the public prosecutor and the members of his bar bringing before the Sheriff cases, both civil and criminal, of a very trifling and unimportant nature, and expressed his determination to discountenance this practice in future. This excellent and much required resolution, as appears from the proceedings in civil and criminal cases brought before him, was sometimes thrown in the teeth of the law agents and the Procurator-Fiscal, when they happened to bring petty causes into Court. But the practice had become inveterate, and neither the Fiscal nor the legal practitioners, who were rather numerous in proportion to the population of the county, could at

once be brought to attend to the Sheriff's intimation. In the case which we append to these notes, there is a somewhat remarkable instance of this, for we there find that not only did the Procurator-Fiscal institute a very uncalled for criminal prosecution, but the Sheriff, forgetful seemingly of his intimation to his bar, allowed himself to be led to give effect to an oppressive, if not illegal, practice frequently adopted before the heritable Sheriffs, and of which we have published some remarkable instances, of making persons accused of crime criminate themselves on oath, or, failing their declining to depone, holding them to be contumacious and as confessing the libel. In the petty case we now refer to, three Paisley lads met and quarrelled on the highway near "Cunninghouse" (now Kinninghouse) near Glasgow, where a slight scuffle took place; and one of them, considering himself aggrieved, summoned his two companions before the Justices of the Peace at Paisley for damages, upon which the whole parties referred the matter in dispute to the decision of a mutual friend, and were, by his interference, completely reconciled.

There was little, if any, personal injury, and no damages were awarded by the referee, and the parties had reason to suppose that this trifling matter was at an end. Not so, however, did the Procurator-Fiscal consider it. He, in apparent obliviousness of what had been told him by the Sheriff, asserted "his right, *ad vindictum publicam*, to interfere;" and in a criminal libel in which this miserable squabble of these Paisley youths was magnified into "the Crime of Blood, Witt, and Battery, committed on the King's Highway with Batons, Cudgells, or some other weapons the accused were bodden with, and with their fists and feet," to the injury of one of the parties; and the Sheriff, after hearing the defence of the accused by their agent, Mr. James Kibble, who pleaded the very trifling nature of the offence, and the reference and friendly settlement of their differences, found the criminal libel relevant, and a diet was assigned for proceeding further, when one of the accused parties failed to appear, and in absence was held to be contumacious, and found guilty and fined; and the other defender, having refused to give evidence on oath against himself, was held as confessed, and also amerced in a fine to the fiscal. Thus, at the very first opportunity, the learned Sheriff not only failed to carry out the determination he had announced to his Bar, that he would discountenance petty prosecutions, but he also, at same time, inaugurated

in his Court the oppressive practice—long and pertinaciously followed by the heritable Sheriffs—of making parties accused of crime criminate themselves on oath ; and, failing their swearing, holding them as confessed. In the written pleadings, the Procurator-Fiscal urged that where the private party injured did not, or from poverty or other cause would not prosecute, it was his duty, *ad vindictum publicam*, to prosecute. This was strictly legal doctrine, but it is a power that is sometimes more honoured in the breach than in the observance ; and here was just such an offence as might have induced the Fiscal, considering the expressed opinion of the Sheriff in regard to petty cases, not to prosecute, more especially as no one asked him to do so, thus leading the public rather to believe, as the libel bore, that he was prosecuting “for his own interest” rather than “*ad vindictum publicam*.”

The following is a copy of the libel and of the Sheriff’s sentence in the case we have referred to :—

“Complains Alex. Short, pror fiscal of Court, Upon and against Thomas Storie, merchant, son of Thomas Storie, Elder, weaver in Gordon’s loan of Paisley, and Mathew Leechman, Journeyman with Robert Lang, weaver in Calsaside of Paisley, That where the Crime of Blood witt and Battery, Especially when committed on the King’s Highroad, is Highly punishable *ad vindictum publicam* : Yet nevertheless True it is and of Verity that the saids Defrs both or either of them, on the Ninth Day of July last, or upon one or other of the Days of sd Moneth, having met with one John Moody, weaver in Paisley, travelling in a peaceable manner from Glasgow to Paisley, at a place of the Highroad near the Cunninghouse, they the said Defrs, fell upon the said John Moody and Brought and knocked him to the ground with Batons, Cudgells, or some other weapons they were armed and Bodden with, and with the said Cudgells or oyr weapons, or with their fists or feet, gave the said John Moody several severe strokes on the head and other parts of his Body, and Cutt, wounded, and Bruised him to the great effusion of his Blood, which ran from the wounds given. And therefore the saids Defenders ought and should be fined and unlawaed each of them in the sum of Fifty pound Scots money, and exemplarily punished in their persons, in Terror of others.”

“Thos. Simpson, Subst.

“Paisley, 24 August, 1749.

“The pror fiscall present.

“Jas. Kibble, for Story, gives in answers with mandate, and passes from his Compearance for the Defr Leechman, who is absent.

“Pror Fiscall craves dec : of Contumacy agst the Defr Leechman, and that ye oyr Defr may compear and Enact.

“The Sheriff, in respect that the Defr Leechman has failed to Compear, therefore fynes and amerceates him in ten pound Scots to the pror fiscall of Court for his Contumacy : Ordains the sd Defr to be Apprehended and Imprisoned till payt, and he to be cited *pro tertio*.

“THO : SIMPSON, Subst.”

“Thos. Simpson, Sherriff Subst.

“Paisley, 5th September, 1749.

“The pror fisk present. The Defrs pror present. The Defr absent. The fisk craves a circumduction of the term agst the Defr and Dec. as Lyt.

“The Sheriff, in respect the Defender Thos. Storry has not Compeared to depone on the Lybell in terms of last Interloque : Therefore circumduce the term agst the sd Defender, and fynes and amerceates him in the sum of ten pound Scots to the pror fiscall of Court for the Crymes : Ordains the Defrs person to be apprehended and Imprisoned till payt, and precepts to be Direct.

“THOS. SIMPSON, Subst.”

Court Procedure in Civil Cases.

IN the preceding papers we have given examples of criminal proceedings before the Hereditary Sheriff of the County, and his Deputes and Substitutes, at the close of the seventeenth and early part of the eighteenth centuries, chiefly with the view of thereby illustrating the forms of such prosecutions, the curiously quaint style of the complaints or criminal libels, the disregard of justice exhibited too frequently by the Judge in refusing to sustain well-founded objections to the relevancy of the charges and admitting to probation even the most absurd of these—and, most reprehensible of all, the mode of probation allowed to the prosecutor of putting the accused on oath, and the holding of him to be contumacious should he either refuse to criminate himself on oath or to appear in court; and, finally, the severity of the sentences, these being generally excessive and bearing no just proportion to the offences.

We now proceed, by way of variation, to refer to the procedure of the court in civil cases, and to give an example or two illustrative of the licence enjoyed for the abusing of an opposing client, according as whim or caprice might dictate, as well as the protracted and expensive litigation which rapidly manifested itself after the appointment of Sheriffs appointed by, and responsible to, the Crown; while, as redeeming points in the legal practice of the period, we give, first, a very creditable specimen of despatch in a summary process for debt before the Sheriff, and, secondly, an example of the extreme moderation displayed by a conscientious lawyer in the making up of his bills.

In the early part of the present century, and down to 1825, when summary jurisdiction was given to the Sheriff in cases not involving a claim above £12, actions for debt of any amount were competent, and were daily raised in the ordinary Sheriff Court, and often attended with enormous expense and delay—so much so, indeed, as to produce a universal demand for law reform. In those days, the agents almost as much as the parties to the suit came to be interested in the litigation; and full advantage was taken by the Procurators in the Sheriff Court of the advantage thus given them. When appearance was made for a defender, the cause was thereafter conducted by written pleadings; and it was not less the practice than the interest of the agents not to be brief, but rather to make their papers long by the introduction of irrelevant matter, thereby entailing on the Sheriff the laborious duty of searching for the truth of the case, to guide his judgment, from among a mass of written matter having little relevancy to the question at issue. With such licence and unlimited discretion in the mode of stating the case, it was the almost universal practice of an agent, in order to prejudice the mind of the Sheriff, to devote not a few pages of a pleading, and particularly of answers to the libel, to a criticism of the character of the pursuer, and his motives for instituting the action,—these being generally stated to be everything else than a righteous desire to obtain justice, and only an attempt to oppress the defender, by dragging him into litigation, of which it was then at all times difficult to see the end, even a lifetime being sometimes hardly sufficient to secure a final decision; and not unfrequently, before it was obtained, bankruptcy or other cause intervened to render a judgment in his favour worthless to a pursuer.

It is curious and somewhat interesting to learn from the proceedings in civil causes before the Sheriff a century and a half ago, that the then Procurators of his court adopted means much akin to those used early in the present century, as above referred to, to prejudice the Judge against an opposing litigant, whether pursuer or defender. In a case instituted in 1711, we find this well exemplified. In the defence such irrelevant remarks frequently occur as “this scum and scurrilous conveyance (assignment) to the sum pursued for should be dashed and discouraged, and all oysr of the lyke nature;” or, “such mean and poor whimsies and quibbles [as the transferring of his claim] by ane [the original

“creditor] who pretends to be ane wryter, against ane honourable gentleman, ought to be crushed and discouraged, and till your Lordship’s mind be known on these the defender is unwilling to trouble your Lop: with decerning in the cause.” The case here referred to was instituted by John Alexander, in Greenock, assignee of Hugh Paterson, writer, in Crawford’s dyke, against Sir Archibald Stewart, of Blackhall, for the price of “Imps (implements) and stocks got by Sir Archibald ten or twelve years previously.” It may be supposed that, having been so long due, “ane wryter,” the original creditor, had little faith in the justice of his claim, and therefore assigned it to another to contest its justice with Sir Archibald. The claim, however, was, with a view to escape litigation and to get rid of the “scum and scurrility of the assignation” of so old a claim, referred to the decision of Thomas Rennie, chirurgion, at Gourock, and he, “to the best of his judgment and skill, found that the articles pursued for were not better [worth more] than £18 Scots, or £1 10s. sterling,” and so this cause came to an end.

The following are copies of the answers for Sir Archibald Stewart to the libel, and of the award by the referee:—

ANSWERS.

“Sir Archibald Stewart of Blackhall answers to the clame pured by John Alexr., pretended assigney by Pettersone, with aplication to your Lop: shewing yt this scum and scurelous conveyance of this soume to this assigney should be dashed and discouraged, and all oysr of the lyke nature, because the cedent is living and able in himself to pursen his own debts, and yt more natively then any assigney or strainger can be, especially when there is no necessity upon the assigney to take the same as payment, nor is he ane onerous creditor to the cedent, and that such mean and poor whimsies and quibles should be transmitted to and managed by ane who pretends to be ane wryter agst ane honourable gentleman ought to be crushed and discouraged, nether ought any regaird be had to them, assignation nott being vallid bearing registration, and the samyn nott onerous and for the adequat vallue, and till your Lops: mind be known in these Sir Archibald is unwilling to trouble your Lop: with descerning in the cause.”

AWARD BY REFEREE.

“I, Thomas Rennie, Chirurgion, at Gourock, do hereby declare that the Imps and stocks which Sir Archibald Stuart of Blackhall got from Hugh Paterson in Crafordsdike, about ten or twelve years since, were not (to the best of my judgment and skill) better than eighteen pound Scots money: And this I declare, and under my hand give it, to the best of my memory, judgment, and estimation: And if I were put to give my oath before a Judge, what I thought were the true value and worth of them, I can put them to no higher price: In

witness whereof I have subscribed this my present Declaration at Ardgowan, this twenty eight day of July, one thousand seven hundred and eleven years, before these witness, Mr. Thomas Fisher, minister of the Gospel at Rynd, and Mr. George M'Vey, chaplain to the Laird of Blackhall, younger, and writer hereof.

“THOMAS RENNIE.

“T. Fisher, witness.

“George M'Vey, witness.”

Summary Process for Debt, 1745.

BEFORE the passing of the Act 1 and 2 Vic. chapter 119, for regulating the constitution, jurisdiction, and forms of process of Sheriff Courts in Scotland, all actions for debt, whatever the amount sued for, were competently brought before the Sheriff in his ordinary court; and, where the sum due was of small amount, a creditor was thus enabled to oppress his debtor by incurring expense disproportioned to his debt, and, where the claim was disputed, often to cause endless and most unnecessary litigation. But while down to 1838 the door of the Sheriff Court was thus open for such contention, the form of process previous to the abolition of the jurisdiction of the Hereditary Sheriffs in 1747, was remarkable for its brevity; and of this the case we now publish affords a good example. The summons was raised in June, 1745, called in court, defences lodged, and a judgment of the Sheriff pronounced, allowing the pursuer a proof, all within that month; and, finally, the cause was decided, after proof, on 25th July. With the abolition of the Hereditary Sheriffs and the appointment of these officers directly by the Crown, a change in the forms and the practice of the Sheriff Courts, not advantageous to litigants, gradually came to be introduced. So far was this carried, that about the end of the eighteenth century and early in the present a loud outcry was made by the public against the law's delay and cost in civil causes, and the consequent denial of justice; and “law reform” thus became an object of popular demand; and not long after the passing of the Act for amending the representation of the people in Parliament in 1831, the abuses that had existed for nearly a century were swept away, new forms of process prescribed for the Sheriff Courts, and several Acts, now in operation in our county courts, passed for the more speedy and less expensive

recovery of small debts. We have more than once given examples of the vexatious and endless procrastination and number of pleadings in practice, in civil causes in the Sheriff Courts at the beginning of the present century ; and if our readers will only contrast these with the forms in use a century ago, which we give below, they will be enabled to see how the better and more summary forms in olden times had been superseded by others of a useless and oppressive character, and had come to be such a public grievance as to lead to a thorough reform in the practice of the Sheriff Courts, and a near approach to the simplicity and brevity of style and dispatch of these courts previous to 1748.

The following is a copy of the proceedings in a civil process in 1745, above referred to, in which our readers will find neither waste of words, expense, nor time in the search for justice, and contrasting very favourably with the abuses which, as will be seen by a succeeding paper, crept into the court four or five years afterwards :—

SUMMONS.

“ Wee, William Petrie and Alexander Scott, Butchers in Greenock, ask and Claim from Robert Hunter, younger, Butcher in Newark, five pound fifteen shillings starling, as the price of three stotts or head of black cattle bought and received by him from us in Janry, 1745, or yrby, deducing four pound starling paid, qrof he promised paynt, and altho’ wee have often times desired him to make payment to us of the foresaid sum, deducing as is above deduced, yet he postpones and delays so to doe. Therefore he ought and should be decerned.”

DEFENCE.

“ Answered by Robert Hunter to the claim pursued agst him by Wm. Petrie and Alexander Scott : That, denying always the same to be of verity, the promise of payment lybelled is only provable Scripto vel Juramento of the Defender.”

INTERLOCUTOR OF SHERIFF.

“ Paisley, 18 June, 1745.

“ Haveing considered the claime & answrts : Finds the Claime Relevant, and admits the same to probation, pro ut de Jure except as to promise Scripto aut Jurator only.

“ HENRY MAXWELL.”

OATH OF DEFENDERS.

“ Paisley, 25th day of July, 1745.

“ The pursuers present, Sworn upon the Libel referred, the pursuers depone affirmative thereto ; and this they depone to be truth, as they shall answer to God.

“ WILLIAM PETTRIE.

“ ALEXANDER SCOTT.”

JUDGMENT.

“ In respect whereof decerns.

“ HENRY MAXWELL.”

Moderation in a Lawyer's Bills, 1716 and 1747.



It might well be supposed, considering the amount of litigation in the county courts, lawyers' accounts are to be found in large numbers in the Record-room. These are a class of documents that seldom, if ever, afford pleasure to their recipients, while their perusal is often painfully disagreeable even to outsiders; still they are useful in showing the cost of litigation in olden times as compared with the present. It is not usually remarked of these documents that they lean towards moderation, or that they are at all calculated to induce a love of litigation; although, somehow, they have not either in past or present times prevented numerous contentions in our local courts, nor perhaps will they ever altogether put down that spirit of strife which seems inherent in some men, and that game of beggaring one's neighbour to which it leads, of which so many are fond, and which supplies our courts, even now, with most abundant examples. When, however, a lawyer's bill is found to be remarkable for its moderation, thereby giving a contradiction to the common but in most instances mistaken and unreasonable notion, that a lawyer's account is one of those things with which a wise man always has as slight an acquaintance as possible, it is right that it should be published, to show that for a most reasonable amount of law charges our forefathers could and did, as in the case hereafter referred to, obtain the valuable professional services of an eminent Paisley writer, when they were involved in litigation.

At the beginning of last century the Sheriff of the County, as well as the Justices of the Peace, held Courts in Paisley and other parts of the County, at which the Paisley writers, who in proportion to the number of the population were pretty numerous, appeared for the litigants; and, judging by the number of the civil and criminal cases then prosecuted, they had considerable practice. Among them was Charles Simpson, who had for a client Patrick Dougal, in Coal-Bog, who had brought himself within the meshes of the law, and to take himself safely out of what was worse than a coal-bog—a Criminal Court and the hands of the Procurator-Fiscal—he sought and obtained the professional aid of Mr. Simp-

son. On two several occasions did his agent go to Kilbarchan to the Justice of Peace Court there, compearing for him, and drawing two long representations to the Justices in his defence; and also compearing for him at two Justice of the Peace Courts at Paisley. For travelling to Kilbarchan, attendance at the Court there twice, drawing two long written representations of his client's defence, and afterwards attending two courts in Paisley, Mr. Simpson charged the very moderate fee of £12 Scots or £1 sterling.

The tenant of Coal-Bog had litigious propensities, as was somewhat common in the last and the beginning of the present century; and therefore we find him requiring the services of Mr. Simpson, after his Kilbarchan experience, to defend him at Paisley against a neighbour, John Houstoun, "who pushed him for some grass"; and for relieving him from this pressure of Mr. Houstoun—of what nature, civil or criminal, does not appear—his agent demanded a farther fee of three pounds Scots, or 5s. sterling.

We remarked at the outset that this account of Mr. Simpson's was extremely moderate, even when the different value of money then and now is taken into account, and that it lets us into the knowledge of the moderate tax on the purse for which the game of litigation could be carried on in 1716. Still, then as now, lawyers' bills, whatever their amount, were disagreeable documents, and payment of them was often refused or unreasonably disputed; while as for gratitude for effective professional services and sacrifices made, that was and is a thing not for a moment to be thought of. So Patrick Dougal refused or delayed payment of the £15 Scots due, and Mr. Simpson was obliged to bring him before the Sheriff of the County to compel a settlement; and Sheriff Sempill, taking a somewhat different view of the extremely moderate remuneration claimed than the tenant of Coal-Bog, decerned against him for the same and expenses.

If any of our readers have been so unfortunate as to have been brought within the meshes of the Criminal Law, and have had to defend themselves against what may have been an unjust accusation; or have, in the Civil Courts, been obliged with professional assistance to resist an unjust claim for debt, and have paid their agent's bill; they will know whether it will compare favourably or not with those of this respectable Paisley writer, who for £15 Scots, or £1 5s. sterling, seems to have done a considerable amount of professional work.

The following is a copy of the libel raised before the Sheriff of the County, at Mr. Simpson's instance, against the tenant in Coal-Bog, and his Lordship's decree for the sum claimed :—

COPY LIBEL.

“ I, Charles Simpson, Wrr in Paisley, ask and claim Patrick Dougall in Coal-Bog, twelve pounds Scots as due me as reasonable satisfaction for my pains in going two severall tymes to Kilbarchan to ane Justice of Peace Court there, and compearing for him in ane complaint pushed against him by ye Fisk of Court, and drawing two long representations to the Justices in the said affair, and compearing at two Justice Courts at Paisley qh he employed me and promised payt within this year. Item : Three Pounds Scots for process in defending him against John Honston when pushed for cutting some grass.”

DECREE.

“ Paisley, 21 June, 1716. Actor per se now instructs persl. diligence and ye Defr absent is confest and decerned.

“ Ro: SEMPILL, Sher: Dept.”

Charles Simpson long maintained a good position as a member of the legal profession in Paisley. In 1747, thirty years after the rendering of the account above quoted, he seems to have enjoyed an extensive practice, and to have been as distinguished for moderation of charges in the end as in the beginning. In 1747, and for a number of years after that time, under Sheriff-Depute M'Dowall, he held the office of Sheriff-Substitute for the county. Mr. Simpson was also the law agent of many of the landed proprietors in the county, and among others of Alexander Porterfield, senior, of Fullwood, and was employed to defend his client in several actions brought against him in the Sheriff Court. The account now referred to was rendered by Mr. Simpson to Fullwood, and amounts to £13 19s. Scots, or £1 3s. 3d. sterling, and includes not only the expense of two litigated processes, but the cost of two proxies for Fullwood to the Head Courts of the county, in 1746 and 1747.

The Porterfields were a distinguished family in the county, and the family estate of Duchall, long held by them, is now merged in the extensive possessions of the present much-respected Lord-Lieutenant of the County, and Fullwood now belongs to Speirs of Elderslie. When, as in 1747, two “gude gawin' pleas” could be carried on at such a small risk of costs as this account shows, it is not very surprising that law suits were then greatly more numerous in proportion to the population and wealth of the county than now; and probably if lawyers' bills were framed on a table of fees somewhat like that under which Mr. Simpson lent his professional

services to his clients, there might still be a plethora rather than a famine of litigation in our superior and County Courts. But wisdom is the fruit of experience, and experience of the law's delay and cost seems to guide the public now-a-days to seek, in compromise or reference, the means for the settlement of differences, rather than have recourse to litigation, even although unnecessary loss of time and useless expense are, to some extent, provided against by recent reforms in the practice of both the supreme and inferior Courts.

June, 1747.—Account, Alexander Porterfield, senior, of Fullwood, Esq.

To Charles Simpson, Writer, in Paisley.

	<i>Scots money.</i>
Imprs to the Copy of a Lybell at William Wallace Instance against you,	£00 04 00
Item to Small dwes,	00 03 00
Item to ane Act of production for you to Depone,	00 02 00
Item for your absolvitur and Box,	00 05 00
Item for pror fee and trouble,	03 00 00
Item to the Copsy of a new Lybell at Wallace, and the fisks instance against you,	00 04 00
Item to Small dwes,	00 03 00
Item to absolvitur,	00 06 00
Item to pror fee and trouble therein,	03 00 00
Item to two proxies at the head Court, for the years 1746 and 1747,	06 00 00
Item to my Servant for writing in both,	00 12 00

£13 19 00

What Litigation became after Heritable Jurisdictions had been abolished.




THE change from the Heritable Sheriffs to that of Sheriffs appointed by, and directly responsible to, the Crown, had been the result of the universal complaint of the abuses which had crept into the Courts of the Deputes and Substitutes of the noblemen and other land-owners who held the office of Heritable Sheriff-Principal; and the people of Scotland were led to believe, and had every reason to expect, that under a new and reformed system the business of the Sheriff's Civil Court would be conducted in another manner, and the reasons of complaint removed that had led to the doing away with an in-

efficient and corrupt system. The fault of the old system was that the Depute and Substitute Sheriffs were appointed without responsibility, or legal knowledge, or training to judicial procedure ; and hence the forms of the proceedings in the Courts, and the judgments of these officials, when now examined, are found to have been arbitrary and grossly irregular, and oftentimes unjust ; their only merit being that these were generally very summary, and where there was any written pleadings they were remarkable for brevity, seldom exceeding a page, and at most not occupying more than a small scrap of paper.

When heritable jurisdictions were abolished in 1747, the Crown appointed Charles M'Dowall, of Crichen, Advocate, Sheriff-Depute of Renfrewshire. For the very summary forms of procedure, in civil causes, previously in use, Sheriff M'Dowall at once introduced into his Court other forms and pleadings, with the result of endless litigation and enormous additional expense. Among the very first of the Civil Processes raised before the Sheriff in 1748, was a summons of removing, at the instance of Mrs. Margaret Coats, relict of William Cunningham, of Cairncurran, as factor for her son, William Cunningham, with consent of his curators, against Alexander Lyle, tenant of the lands of Carruth, to have the defender ordained to remove from said lands and houses at Carruth, at the terms of Martinmas and Whitsunday following. The pursuer produced, with her summons, precept of warning and execution of warning and charge to remove thereon. To the *summons*, the defender lodged *answers*, and pleaded "That there can be no process, the copy of the summons not being served upon him six free days, as the law directs, for which see 'Forbes' Institutions,' vol. 1st, part 2nd, book 2nd, page 157, concerning removing of tenants." The pursuer sought to remedy this defect by a new citation, of which she produced an execution, and was allowed to *reply* to the defender's answers. The whole pleas of the parties were thus before the Sheriff, who had only to decide upon the legality of the warning, but his Lordship, instead of at once holding the warning null, as he ultimately did, after protracted litigation, allowed the defender to *triply* to pursuer's replies. But this was not enough, although no new pleas were urged, and the Sheriff allowed the pursuer to *quadruply* to the defender's triplies ; when at length the record was thought to be sufficiently complete and *avizandum* was made with the cause.

The litigation had thus been vexatiously protracted, although the action was of a summary nature, and the only question involved was the validity of the service of the summons ; and a final judgment "finding the warning null," and assoilzieing the defender, was at length, on 28th March, 1749, pronounced.

A Two Years' Plea regarding a Church Seat, 1748.

NOTHER case illustrative in its way of the facilities for endless and expensive litigation afforded by the practice in the Sheriff Court of this county, introduced immediately after the appointment of the Sheriff by the Crown on the abolition of heritable jurisdictions, is to be found in a miserable family contention for the possession of the foremost of two adjoining seats in the gallery of Lochwinnoch Parish Church in 1748, and which, after no end of Petitions, Notarial protests, Answers, Representations, Informations, Memorials, and Proofs, spread over a couple of years, resulted in nothing. Certain historical documents relating to the Church accommodation at Lochwinnoch, which were produced during the process, are of considerable interest, as showing the valuation of lands in the parish in 1731, the amount of accommodation effering to the lands, and the allocation of each Heritor's proportion. These documents will be found *in extenso* in our section,—“Rents, Prices, etc.,”—in the latter portion of the volume.

The litigants were relatives—a brother, his sister, and her husband. The bone of contention was unimportant, and only as to which family should have the right to, and use of, the foremost of two adjoining seats in the mid row of the west loft of the Parish Kirk of Lochwinnoch, to which the pursuers alleged they had right by the settlement of the deceased Robert Bryden, which conveyed to them the lands of Fairhill and Planthe, which they alleged exceeded in valuation the lands of Carse and Auchenhean disposed by said settlement to the defender, but of which he then owned only a part. The contention between this brother and sister was thus

merely for the right and privilege of using the foremost of two family seats in the gallery of the Parish Church that had belonged to their deceased father, and is a fair sample of the litigious spirit of the rural population of last century, when quarrelling over paltry matters was so general a characteristic.

In the month of February, 1748, Alexander Polluck, portioner of Fairhill, and Jean Brydine, his spouse, daughter of Robert Brydine, of Planthe, raised an action before the Sheriff of the county, against William Brydine, in Carse, and son of the deceased Robert Brydine, to have the defender, William Brydine, ordained to desist and cease from troubling and molesting the pursuers in their occupancy and possession of the foremost seat of two seats in the Parish Church, which had belonged to the deceased Robert Brydine, as proprietor of part of the lands of Fairhill, Planthe, Carse, and Auchenhean, in the parish of Lochwinnoch; the pursuers having, by the settlement of Robert Brydine, deceased, acquired right to the said lands of Fairhill and Palmtree, which exceed in valuation the other parts of Carse and Auchenhean belonging to the defender.

The first step in this unfriendly contention was a petition to the Sheriff, at the instance of Alexander Polluck, and his spouse Jean Brydine, against William Brydine, craving that the said Wm. Brydine should be decerned to desist and cease from molesting the pursuers in the enjoyment of the foresaid foremost seat. The presentation of the PETITION had been proceeded by a formal NOTARIAL PROTEST by the pursuers, and was followed by ANSWERS for William Brydine, in February, PETITION for William Brydine on 1st March, REPRESENTATION by William Brydine on 5th July, ANSWERS for pursuers on 21st July, REPLIES for defender on 26th July, REPRESENTATION for defender on 3rd August, ANSWERS for pursuers thereto, INFORMATION for pursuers on 16th February, 1749, ANSWERS for defender on 28th February, MEMORIAL for pursuer on 25th July, ANSWERS for defender on 27th July, PETITION for pursuers on 28th September, PETITION for pursuers on 14th November, ANSWERS for defender on 5th December, 1749. PROOF was taken before the Sheriff at four diets, and by Commission on another, and at length avizandum being made with the cause, the pleadings and proof covering nearly two hundred pages, and the expense incurred enormous, the Sheriff assolized the defender, on the ground that he had the largest valuation, and found the pursuers liable in expenses. Thus with great legal contention, which had been continued for upwards of two years,

and had no doubt afforded much food for the gossip of the parish, the case was brought to a close, without any change being wrought by it in the position of the parties in regard to the places they should occupy in church. Such bitter contention was a miserable preparation for that frame of mind in which, whether in their foremost or backmost seats in church, these near relatives should listen to the prelections of the preacher, and his injunction that they should love one another; and as it must have been a costly and humiliating lesson to the pursuers, it would probably occupy quite as much of their thoughts as the sermons, and kindle anything but feelings of love for those who had supplanted them in the occupancy of the foremost seat.

Protracted Litigation in a Case for Rent, 1750.



OUR closing example of this objectionable licence in the protraction of pleadings, which was so unwarrantably allowed to creep into the practice of the Sheriff Court, is found in a simple action for debt in 1750, in which James, Duke of Hamilton, and James Cunison, his factor, sued Allan Clark, tenant in Dycbar, and William Robertson, at Hawkhead, for the sum of £48 10s., the rent of the South Division of the High Parks of Thornly Park for year and crop 1747. The summons was raised on 14th June of 1750, and was called in court on 21st and again on 29th June, and then continued to 1st July. On 11th July *Answers* were lodged for the defenders, followed on 18th July by *Replies* for the pursuers, and on 20th July by *Duplicates* for defenders. On 27th July the defenders were allowed a proof, and on 1st August, on the first witness being tendered, the pursuers lodged *Objections* to his admissibility, but the objections being repelled, five witnesses were examined. On 22nd August, when the proof had been closed, *Information* for pursuers was lodged; and on the 24th, *Answers* thereto for defenders. On 28th December, the defenders lodged *Representation*; and the pursuers lodged *Answers* thereto on 4th January, 1751; and on same date the pursuers lodged *Representation*. On 23rd January, the Sheriff-Substitute,

having considered the whole process, *assolized* the defenders, finding that they had paid their rent sued for, and that a claim of damages set up by the Duke and his factor was not substantiated. But the pursuers persisted, and lodged *Reclaiming Petition* on 30th January, and of same date the Sheriff-Substitute adhered to his interlocutor.

Thus terminated what appears to have been a most vexatious and groundless action, the defenders actually producing receipts for the rent claimed in the summons, the litigation being continued on a claim set up by the pursuers for damages for insufficient fences, which had not even been referred to in the summons. This example of persistent, irregular, and expensive litigation, tolerated so early by the newly appointed Sheriff, was not lost on the procurators of his Court; for a glance at the number and size of the processes in the Record Room, from 1750 down to the beginning of the present century, shows that they well knew how to profit by the door thus thrown wide open for endless litigation, however trifling the sum or matter in dispute, or, as in the case we have referred to, unjustifiable and groundless. In this case of the Duke of Hamilton *v.* Clark and Robertson, had the defenders been poorer men, costly and expensive contention with such adversaries would have been a matter of difficulty, if not impossibility, while justice might have been indefinitely delayed, if not utterly defeated.

Thus these interminable pleadings, delays, and expenses in civil causes, that in the end proved so obnoxious, were, at the very outset of the new system, not only permitted but encouraged, and, under the most frivolous pretences, cravings for admission of additional pleadings and the introduction of new matter, embracing entirely new facts and pleas in law, allowed. When it is considered that causes involving the smallest sums or most unimportant matters of dispute were then brought before the Sheriff, it is easy to conceive what a great grievance to litigants must have been such a system—it being, in fact, nothing less than a denial of justice, often compelling parties to a suit, after it had been long in Court, to withdraw from the contention without having the question in dispute judicially settled, the only result attained being that each party was made poorer, but possibly wiser, by resorting to the Sheriff for justice.

We have noted these cases to show that although the heritable jurisdictions—numerous and conflicting in Renfrewshire—and their

irregularities and oppressions had been got rid of and new forms of process introduced into the Sheriff Court, the new system only opened a wide door for interminable litigation, which, as shown by the numerous causes brought before the Sheriffs of the county from 1748 to the end of the century, was so taken advantage of as to bring the administration of the law in civil causes into disrepute. We have shown (First Series, p. 262) that the same system was continued to the early part of the present century, when the ingenuity of the legal profession was often called into action simply to protract a case by the innumerable steps of procedure then allowed, but now happily obsolete.

For this antiquated and most vexatious system there has been substituted, under modern statutes, summary forms of procedure and consequent inexpensiveness, and the loud outcry against the law's delay and cost being no longer justifiable, has ceased to be heard.





SECTION IV.

SOCIAL CONDITION AND MANNERS OF THE
PEOPLE, 1680 TO 1770.

Introductory Observations.

IN the very interesting "Sketch of the career of Duncan Forbes of Culloden, Lord President of the Court of Session," by our present respected Sheriff, Patrick Fraser, Esq., which, had it been enlarged to a history of that eminent patriot and lawyer, would have been an invaluable addition to our biographical literature—we learn that in Forbes's time Scotland had just obtained repose from the almost ceaseless revolutions and tumults of two hundred years; and that from the Union, the people, left to direct their energies to the pursuit of industry, had began to fall into regular submission to the laws, and to shake off the remains of barbarism, and to grow wise from past experience of the consequences of their dissensions and their ignorance. Forbes's life embraced a strikingly remarkable period in Scottish history—the revolution of 1688, the Union in 1707, the rebellions of 1715 and 1745. He had also been a living witness to the extreme of poverty to which, through misgovernment, "his poor country" had been reduced, and to the gross ignorance of the people; and he felt the necessity for a complete resuscitation of agriculture and encouragement of manufactures, and improvement in the courts and administration of the laws. To the period embraced by the life of the Lord President, our examination of the Judicial Records of Renfrewshire has been almost exclusively confined, with the object of illustrating the life and manners of the inhabitants, and the administration of the law in the courts of the county during that eventful period. In fulfilling this task, our readers will observe that many of the old legal documents brought under their notice are criminal proceedings instituted in the Sheriff Court against parties guilty of crimes and offences indicating a barbarous and lawless

condition of the people. Individual and family feuds were common; and when the people gathered together at fairs and markets, the public peace was disturbed by brawling and fighting—not among the lower orders only, for we find numerous instances of professional men, merchants, tradesmen, and farmers mixed in them, and all equally guilty of using “swords, rapiers, and bludgeons,” or their fists and feet upon each other, to the injury of their persons and effusion of their blood, and oftentimes “but for the intervention of Providence and the interference of neighbours,” to the danger of life.

Any one who may have carefully examined the tables of Rents, Prices, Wages, etc., in our first volume, and our notes thereon, will have found there was no perceptible advance in these during the fifty years extending from 1680 to 1730. These fifty years followed a date, however, at which important political changes began to influence and guide the government and legislation of the country. Previous to the Revolution, the Scottish Legislature had been used as an instrument by a tyrannical government rather for framing laws to consolidate the Stuart dynasty, and crush out, by persecution, civil and religious liberty, than to promote the interests of the people. Under such a Government, there was a general want of confidence and security, causing stagnation, if not retrogression, in commerce, trade, and agriculture; and although the overthrow of the Stuarts gave a hope that the rights and liberties of the people would be better recognised and secured, and that the country in all its interests would soon begin to enjoy a period of prosperity, it was long ere this was realised, and, before the improvement became very perceptible, the country had entered on the fourth decade of the eighteenth century. From 1668 to 1740, therefore, was a period of transition from tyranny, oppression, persecution, and consequent stagnation, to a happier and better condition; and during that long time the people were made to feel many of those evils they had long been compelled to endure, and which had produced that general lawlessness of which the Judicial Records of the County afford such unmistakable evidence. It is in the Criminal Records of such times that these features in the character of the people in particular districts are shown, enabling us at this distance of time properly to estimate and contrast them with the civilisation, regard for the law, and general improvement in the condition of the people, moral and physical, at the present day.

Rough Manners at Kilbarchan Manse, 1685.

IN the selection of cases from the Judicial Records in illustration of the customs and manners in the county two centuries ago, the greater proportion refer naturally to the uneducated and lower classes, whose improprieties of speech and conduct brought them more frequently into court than their wealthier neighbours. The case we now quote throws some light on the domestic manners of another and higher class, where, if anywhere, refinement and good-breeding might have been expected. The case shows, over and above the use of abusive language on the part of a minister and his wife, that the domestic servant relationship to the heads of the household was about as much a *vexata quæstia* in old times as now.

In the year 1685, "ye minister of ye Kirk of Kilbarchan" was Mr. Archibald Wilson, who, with his spouse, Annabella Hamilton, occupied "ye house of the minister," and from the appended document we learn that about the "Candlemas tyme" of that year they had as their guests the Earl of Glencairn, the Lord Ross, and Sir John Shaw, the laird of Greenock, who, it is stated, "lay at Kilbarchan in the hous of ye minister yrof." What had brought these magnates of the county to the manse is not stated, but historians describe the time when their visit was made "as the most melancholy in the country's history, the people being subjected to most tyrannical misgovernment, and such unparalleled persecutions as would have disgraced the most barbarous of nations;" and it is not therefore unreasonable to presume that these influential representatives of the landed interests of the county had met to consult with the minister of Kilbarchan regarding the unhappy state of the country, and what measures might be deemed necessary for the protection of Church and State on occasion of the succession of a Popish monarch, James VII., to the throne of Scotland. When leaving the house of the minister, the visitors, agreeably to the then custom, and one which is not yet entirely obsolete, bestowed on the servitors a largess of "three half dollars of drink money," to be distributed among them by Mr. Spense, factor to the Lord Ross. Money was not then abundant, and "ye sd Annabella," the minis-

ter's spouse, contrived to get hold of the three half dollars, and, so far as appears, applied them to her own use. One of the female servitors was Janet Gib, daughter lawful to James Gib, at ye kirk of Kilbarchan, who remained at the manse till near the term of Martinmas following, when she was so abused by "ye minister and ye sd Annabella," that she could not longer endure to stay nor perform her said service. Janet Gib being thus obliged to quit the manse, and being refused payment of her wages and other claims,—one of them being her proportion of the largess of the visitors before mentioned,—she raised an action before the Sheriff against Mr. Wilson and his spouse,—a copy of which we append to our present notes. It sets forth "that she ye sd Janet Gib, asks and claims from ye Defenders Eight Marks Scots Money and pair of shoon, or twentie shilling Scots yrfor, as much plying as would be ane pair of Hose, or Nyne shillings yrfor, and ane Apron of droggat, or eight shillings yrfor, with Ane peck of Meal or eight shillings, as being half a year's fee and bounties promised be ye sd Mr. Archibald Wilson and Annabella Hamilton his spous, for service to be done or performed by her from Whitsunday last to Martinmas next yrafter and also last bypast, whilk services she was most willing to have performed and did enter yrto, and faithfully and honestly served ye sd Defrs till near to said term of Martinmas last bypast, at quilk tyme they did so abuse her, ye Complr, that she could not longer endure to stay and perform her said service by yr threatening her and bidding her go her way or get her gone furth of yr presens, or from about yr dwelling house" to which dismissal and threats the Defenders, "ye minister and ye said Annabella," added quite a torrent of filthy and grossly indecent and slanderous abuse, utterly inconsistent with the place and the parties, and for which we must refer to the summons, which goes on to state, "that by yr using ye lyk speeches, and many moe not worthy to be heard or rehearsed amang Christians, behind ye Complrs back to ye Neighbours in dyvors places and in sundry companies, by which unchristian usage ye Complr was constrained to depart her service at ye sd tyme, whereby she was damnified and much discredited. As also she the said Janet Gib asked and claimed ye said Annabella Hamilton and her said husband for his interest, the just and equal half of three half dollars quilk were given of drink money by My Lord Glencairn, My Lord Ross, and ye Laird of Greenock, to John Spense, factor to ye sd Lord Ross, and qlk at yr dirrections he delivered to the Com-

plainer when ye sd Lords lay at Kilbarchan in ye Defrs house about Candlemas 1685, and ordered her to give and deliver ye samin between Margaret Stiel yn also ye Defrs servitor, deducing twentie shillings Scots quilk was also appointed to be given to Thomas King, yn also ye Defrs servitor, and quilk three half dollars, ye sd Annabella being present and seeing her get the samin frae ye sd Mr. Spense, and also hearing how ye samin was appointed be qm to be distribut in manner forsd, she, ye said Annabella, caused ye Complr to give her ye samin for she would divide yem herself. Item, twa shillings six pennies, borrowed and received be ye sd Annabella from ye Complr at dyvers tymes within ye forsd space."

Of this summons, at the instance of Janet Gib against the minister of the Kirk of Kilbarchan and Annabella Hamilton, his spouse, the following is a copy:—

"I, Janet Gib, daughter lawl to James Gib, at Ye Kirk of Kibarchan, and Servitor to John Gardner at ye Tounfoot yr, Ask and Claime Mr. Archibald Wilson, Minister at Ye Kirk of Kibarchan, Eight Marks Scots Money and pair of Shoon, or twentie shillings yrfor, as much plying as would be ane pair hose, or Nyne shillings yrfor, & ane Apron of droggatt, or eight shillings yrfor, with ane peck of Meale, or eight shillings, as being half ane years fee & bounties promised be ye sd Mr. Archibald and Annabella Hamilton, his spouse, for services to be done & performed, tyme from Whitsunday last bypast, to Marts next yrafter, & also now last bypast, whilk Services I was most willing to have performed, and did enter yrto, and faithfully & honestly served ye said Defrs till near to sd term of Martinmas last bypast, att quilk tyme they did so abuse me, ye complr, that I could not longer endure to stay nor perform my service, by yr threatening me & bidding me go my way or get me gone furth of yr presens or about yr dwelling house, And by ye forsd Defrs yr calling of me, ye complr, ane pocked Glasgow whoor & rounden notorious thief, blackamoor whoor, and by yr using ye lyk speaches and many moe not worthy to be heard or rehearsed among Christians behind my back to ye Neighbours in dyvors places and in sundry companies, by which unchristian usage I was constrained to depart my service at ye sd tyme, whereby I was damnified & much discredited, Wherfor they ought to make payt of the forsd fee and bounties. *As also* I, the sd Janet Gib, ask and claime ye sd Annabella Hamilton and her husband for his interest the just and equal half of the three half dollars, quilk were given of drink money by My Lord Glencairn, My Lord Ross, and the Laird of Greenock, to John Spense, factor to ye said Lord Ross, and qlk at yr directions he delivered to me, ye complr, when ye sd Lords lay at Kilbarchan in ye Defrs house, about Candlemas, 1685, and ordered me to give and deliver ye samen between Margt Stiel, yn also ye Defrs servitor, deducing twentie shillings Scots qlk was also appointed to be given to Thomas King, yn also ye Defrs servitor, and qlk three half Dollars ye sd Annabell being prest and seeing me get the samin from ye sd Mr. Spense, and also hearing how ye samin was appointed be qm to be distribut in manner

foresd, she, ye sd Annabell, caused me to give her the samin for she would de-
vyde yem herself. *Item*—Twa shillings six pennies borrowed and received be
the sd Annabell frae me at dyvers tyme within ye forsd space. And, albeit, it
be true yt I have oft & dyvers tymes desyred payment or satisfaction of ye sds
Defrs, Yet they pospone and defer to do ye samin without they be compelled.
Therefore they should be summoned in commune forma.”

Liquors in Common Use, 1687.



S illustrative of the Drink Traffic, we now publish two
libels or claims raised before the Sheriff of Renfrewshire
two centuries ago, at the instance of Paisley merchants,
for the price of liquors supplied to the defenders. From
the designation of the parties here prosecuted, and of others in a
series of similar cases, and the smallness of the amount claimed in
each case, we are led to believe that the defenders were of an hum-
ble class, and that the drink, the price of which is pursued for, must
have been ale. At that time considerable quantities of claret, sack
or sherry, brandy, and “Holland spirits,” were imported into Scot-
land, but these were consumed by the middle and higher classes.
The preparing and malting of barley and beer was, as we have
previously shown, an important trade in Paisley ; and, indeed, the
brewing of ale in every household, high and low, caused an im-
mense demand for malt, which was supplied by the maltmen in
quantities from a peck to several bolls, to suit the circumstances of
their customers. The home-brewed ale was a wholesome, exhilarat-
ing, and nutritious beverage, and with oat and barley meal, prepared
in various ways, formed the principal food of the people. So very
extensive was the maltster’s trade in Paisley, and so large the
quantity of malt supplied by the maltmen to the inhabitants of the
county, that a great proportion of the civil causes in the Sheriff’s
Court were brought by maltmen for the price of malt. To such
families as did not brew their own ale, a supply was provided by
the merchants, and they, like the maltmen, were often obliged to
have recourse to the Sheriff to recover its price ; and hence the cases
we now publish, which may be taken as examples of this class of
cases.

But although malt was thus universally used for brewing home-brewed ale, of which the consumpt, judging from the quantity of malt sold for this purpose, must have been very great, the general use of ale had little of the blighting and demoralising effect on the manners and morals of the people produced in our day by the excessive use of ardent spirits by which this wholesome and nutritious home-brewed ale has been superseded; and even Bass and Allsop have failed to supply a substitute for the ale made and extensively used by our forefathers. It is true, and our extracts from the Judicial Records of the County show, that immorality and crime abounded in the seventeenth and the early part of the last century; but these are not traceable to the drinking habits of the people, as crime, degradation, and misery are to the excessive use of ardent spirits at the present time. Our forefathers neither enjoyed the freedom we have, nor were they governed as we are; political causes with them produced demoralisation, while in our time it is the fruit of pernicious and destructive drinking habits, ruinous to the victims of a degrading and disgusting vice as well as injurious to the national character.

The following are the two claims or libels for "drink" referred to above:—

"To the Earl of Eglinton, Sheriff-Principal of Renfrew.

"James Paton, merchant in Paisley, ask and claime the persons after named
"the debts and sums of money restand adebted and owand, in manner and for
"the canses afterwards shewn of ye sevl amounts as is after shown, viz:—

"John Robisone in Meiklerigs, the soume of eleven merks four shillings four
"pennies Scots money, due him to me for meat and drink furnished be me to
"him about two years since or yrby, and qrof he promised me payment.

"Robert Schlaiter, yr, nyntein shillings money dew for drinke furnished be me
"to him about ye tyme forsd.

"John Wallace in Candren, eightien shillings money forsd, for drinke furnished
"he me to him, the tyme forsd.

"John Auchincloss, meason, twentie-two shilling money for drink furnished
"be me to him the tyme forsd.

"Robert Stevenson, allias Whiselses, twenty-four shillings money for drinke,
"conform to ane fitted accomp, made betwein me and him about ye tyme forsd.

"And albeit it be of verety yt ye sd pursr personally hath oft and sevl tymes
"desayred and required ye sd defrs to make payment of soumes forsd dew be
"ym and ilk ane of ym in manner above written, yett nevertheless ye wrongous-
"lyc forgo paying, and defer sna to doo without ye be compelled. There-
"fore," &c.

"10 November, 1687.—Actor pursr present. Defrs, all absent, holden as
"confest and decernt."

To which, without explanation of the reason, another decree in the following terms is added in the same cause :—

“ 15 March, 1692.—Execution produced this day agt the defrs to hear sentence, who, being absent, are holden as confest and decerned.

“ J. CRAWFORD, Sheriff-Depute.”

We will not exhaust the patience of our readers, and, therefore, will only add one other specimen of these claims for drink, brought before the Sheriff in 1687 :—

“ I, John Kerr, , in Paisley, ask and claim the persons after-named ye debts and soumes of money underwritten, owand be ym to me, in manner and for the raisons after specified, ilk ane of ym for their own pairts, as is after stated, vizl :—

“ Alexander Brown in Townhead, of the soume of thretie shillings Scots money due qm to me for drink furnished be me to qm about two years since or yrby.

“ Item Robert Stewart, in Sydemilne, of twenty-seaven shillings for drink furnished ye tyme forsd.

“ Item Loudie Lothead, in Road of Syde, of twentie-four shillings money forsd, for drink furnished be me to qm in about ane year or yrby.

“ And John Lothead, in Caplay, of two merks Scots and ane forth, pairtly of borrowed money and pairtly for drink, all furnished be me to qm within these three years bygone or yrby, and qarof he promised payment within the said three yeirs. And albeit it be of verity,” &c. “ And therefore,” &c.

It may be noticed that these prosecutions, and others by Baillie Pasley, merchant in Paisley, against several hundreds of his “debtors,” for articles furnished for their personal or family use, were raised at a time (1687) when the country was, from misgovernment, in a paralysed state and on the eve of a revolution, and when the inhabitants were poverty-stricken, and traders forced to seek the aid of the law for the recovery of their debts—and of this poverty no better evidence could be given than such prosecutions.

Brutal Night Assault, 1687.



THE numerous prosecutions which we find in the Judicial Records of the County, mark out Renfrewshire as having been, during the period our investigations embrace, somewhat notorious for lawlessness and a proneness to the use of personal violence. Among the cases that occurred dur-

ing that time, the history of one is now given, in which some of the brutal features that marked most of the personal attacks and violence then so frequent, are described in a very quaint criminal libel, to which it gave occasion. It appears from this document that about the 29th December, 1686, James Miller, servant to John Hamilton in Giffnock, in Eastwood Parish, when "coming home from Glasgow in ane peaceable manner, and fearing nae harm and oppression done to him, John Hart at Eastwood Kirk, and Charles Dunlope in Shaws, having shaken off all fear of or dread or regard to His Majesty's Laws did, in ane hostile and felonious manner, under cloud of night, without any ground or provocation, fall upon the person of him the said James Miller, and particularly the said John Hart did with ane meikle baton in his hand, strike ye sd James Miller five or six times on the head and shoulders, and he having made his escape for the time, true it is also that ye said John Hart rode away before him to the house of ane Patrick Park in Shaws, and there lay in ambush for him till he came to that place, and there finding him, the said John Hart did light off his horse, and he ye said Charles Dunlope pulled down the said James Miller off his horse by the hair of his head backwardly, by the which fall he was almost cruelly slain, thereafter drew him into the house like a dog, and fell upon him and gave him many hard and black strokes and bruises with his hands and feet and the baton that was in his hand, so that if it had not been the providence of God and help of good neighbours, he had deprived him of his life."

For this brutal assault Miller and the Fiscal craved that the Sheriff would fine and amerciate each of Hart and Dunlope in the sum of one hundred pounds Scots to the Fiscal, and the like sum in name of damages to the private Pursuer, and to find caution to keep him harmless and skaitless in time to come, "in terror of others to do ye like."

COPY LIBEL.

"The Earl of Eglinton, &c. Forasmeikle as it is humblie meant and complained to us and our Deputes, be James Miller, servitor to John Hamilton in Giffnock, and our Pror Fiscall of Court for his interest upon and against John Hart at Eastwook Kirk, and Charles Dunlope at Shaws, That qr Invading, troubling, molesting, and assassinating of His Maties free Leidges be ane cryme severely punishable be His Maties Laws, True it is that upon Wednesday, the twenty nyynth day of December last, the said Pursuer, James Miller, being coming home from Glasgow in ane peaceable maner, and fearing nae harm nor

oppression to have been done to him, That ye sd Defenders, having shaken off all fear of God and dread or regard to His Maties sd Lawes, did in ane hostile and felonious maner, under cloud of night, without any ground or provocation, fall upon the person of ye sd James Miller, and particularly the sd John Hart did with ane meikle battonn in his hand strike the sd Pursuer fyve or six times upon ye head and shoulders, and the Pursuer having made his escape for the tyme, True it is also that ye sd John Hart rode away before him to ye hous of ane Patrick Park in Shaws, and there lay in ambush for the Pursuer till he came to that place, and, upon finding the Pursuer, the sd John Hart did light off his horse, and he and ye sd Charles Dunlope pulled down the Pursuer off his horse be the hair of his head backwardlie, by the which fall he was almost cruelly slain, and thereafter drew him into the hous lyke ane dogg, and fell upon him and gave him black and blae strokes and bruises with his hands and feet and the battoun yt was in his hand, so yt if it had not been the providence of God, and help of good neighbours, they had deprived him of his lyfe, and Therefore they ought and should be decerned to pay to the Pror Fiscall ye sune of One Hundred pounds each in name of fyne, and the lyke sune to the Pursuer, the partie damnified of assyllment, and to keep ye said Pursuer harmless in his body and goods in all tyme coming in terror of others to do the lyke, Therefor to summon in common form, &c."

Such was the libel raised by James Miller and the Fiscal against John Hart and Charles Dunlope, charging them with what appears to have been a very aggravated and brutal assault on Miller; but there is often two ways of telling a story, and, in this instance, Hart gave a very different version of the affray in a criminal libel which he, with the concurrence of the Fiscal, raised against Miller, and which may be taken as the answer of Hart and Dunlope to Miller's charges against them, and of which a copy is appended:—

COPY LIBEL—HART AND FISCAL *v.* MILLER.

"Unto your Lop humble meaneis and complains John Hart, at Eastwood Kirk, and the Pror Fiskall of Court, for his interest upon and against James Miller, servitour to John Hamiltonne in Giffnocke, That qr be the lawes of nature and ye lawes and Acts of Parliat of thys Kingdome, beating, bruising, wounding of anie person or yr horse with sword arms; and ye reviling, defaming, and away takine of ane person's good name, be crimes of ane hic nature and seveirlic punishable, yet trew it is and of veritie that upon the twenty-ninth day of December last, ye sd James Miller did fall upon the person of ye sd John Hart, and did beat, bruise, and wound him with ane dagarr hid under his coat, and severely wounded his horse, and reviled ye sd John Hart by calling him rogue and rascal and villane, therefor he has committed ane horrid crime, and suld be seveirlic punished in his persone."

The Sheriff found both libels relevant, and allowed the parties probation thereof, and allowed oath of calumny; but how Sheriff Hume disposed of the several cases does not appear on any part of

the record of either case, and it is therefore possible that where there was such an amount of alleged violence on each side, the matter would be made up in such a way as to satisfy the Fiscal, who, in reality, was the only person materially interested in the issue, as from one or other of the parties—or it might be all of them, for such an irregular practice was not uncommon—he would, if a conviction was obtained, be allowed a heavy fine “*for his interest and ye terror of others.*”

Retention of Strayed Cattle,

1687.



FROM the appended document it will be seen that in the seventeenth century, “by the laws, statutes, and Acts of Parliament of this Kingdom, it was statuted and ordained that whatever person shall find or apprehend any waif goods, that he shall forthwith declare to the Sheriff of the Sherifffdom, wherein the same is found, or other judge competent, and make the same known to him, to the effect the same may be published and proclaimed in manner contained in ye said Acts,” and failing thereof, should be liable in punishment as thereby provided.

The statute law of the time was thus in accord with the common law in our own time, which holds that a party finding, and not making known and giving up to the authorities, any lost article, is held to be guilty of the theft thereof. This law seems to have been very necessary two centuries ago, when the rule of *meum* and *tuum* was not well understood, or at least not very strictly practised, and when it was by no means unusual for cattle to be discovered in the possession of parties not their owners, who, nevertheless, maintained the right to them, and were often able to set the real owner as well as the law at defiance. It is in no way a matter of wonder that this should have happened, as nearly the whole lands of the county were then unenclosed, and consequently there was no obstacle to prevent cattle from straying from their owner's lands into neighbouring lands or farms; thus giving rise, as might have been expected, to many feuds and quarrels between the occupiers of adjoining

farms, and even to threats or use of violence to parties claiming the strayed cattle. Of this propensity to appropriate in the first place, and resist even to violence in the second, the case now quoted affords an unquestionable example.

In the month of April, 1687, James Stewart, one of the officers of the Sheriff Court of Renfrewshire, when in the performance of his duty, found a waif sheep among the flock of John Thomson, in Northhead of Langside, and "did challenge him for keeping up and not making the same known publicly," whereupon Thomson declared the sheep to be his own. But Stewart, being an acute officer, pointed out that the mark upon the strayed sheep was different from the mark upon Thomson's flock, and therefore declared he would summon him before the Sheriff for delivery of the sheep; upon which Thomson "admitted that the sheep was not his, " but promised to suffer the same to feed amongst his own till such " time as Stewart should require delivery of it." In May following, Stewart having proceeded to Thomson's residence to summon him to appear before the Sheriff for a debt, his wife Agnes Walkinshaw, thinking he was about to summon her husband for the said sheep, " fell upon Stewart, and threatened to burn his house, and used " towards him many such opprobrious speeches," and ended by accusing him of having himself stolen the sheep. For which misdeeds of Thomson and his wife, Agnes Walkinshaw, the Procurator-Fiscal and Stewart raised a criminal libel against them, setting forth that "whatever person shall find or apprehend waif goods, he shall forthwith declare thereof to the " Sheriff, and failing to do so, should be punished in terms of the " statute," and thereafter narrating their offence, as above stated, and craving that Thomson and his wife should be fined, and also ordained to make payment to the complainers of the sum of fifty pounds Scots of assythment.

The object of publishing this libel, and the proceedings in other criminal cases in the Sheriff Court of the county, is to show the lawlessness and proneness to threats and use of violence which prevailed two centuries ago, and, as has been before remarked, we have been surprised to find the very large number of such cases. No doubt, many of the crimes and offences charged, although generally stated by the Fiscal in such legal jargon as to give them the appearance of being more important than they really were, had been raised by the Fiscal "for his own interest," rather than in vindica-

tion of the laws, and this was an almost necessary consequence of there being no legal provision otherwise made for the payment of the Procurator-Fiscal of the courts of the Sheriff and Barons. The fines were, in most cases, unjustly proportioned to the offences, the penalty in any case being never less than ten pounds Scots, and sometimes as high as £200 or £300 Scots,—large sums, when the value of money then is taken into account; and the aggregate amount of the fines and assythments being large, made good provision for the Fiscal's services.

The following is a copy of the criminal libel against John Thomson and his wife, Agnes Walkinshaw :—

“ To the Earl of Eglinton, Sheriff-Principal of Renfrew, humbly means and shows your Lordship's Pror Fiskall, and James Stewart, one of your Lordship's officers. That where be ye laws, statutes, and Acts of Parliat of the Kingdome, it is statuted and ordained that whatever person shall find or apprehend any waif goods, that he shall furthwith declare to ye Sheriff of ye Sherifdome wherein the sayme is found, or oyr judge competent, and make ye sayme known to him, to ye effect ye sayme may be published and proclaimed in manner contained in ye statute; yet trew it is and of veratie, that in Appryll last, I, ye said James Stewart, in proformtion of my deutie of ane officer, having found ane waif sheep of John Thomson in Northheid of Langsyd, did challenge him for keeping up and not making ye sayme publict, grupon he declared ye sheep to be his own; but I finding ye sayme wanting ye mark wh his own sheep had, I declared I would sumond him before ye Sheriff for recovery yrof, upon wh ye sd Defender denyd ye sayme to be his, but promised to suffer the same to feid amongst his till such tyme as I should require ye same; and in May thereafter, I having gone to sumon him before your Lop for ane debt, Agnes Walkinshaw, his sponse, fell upon me, ye sd James Stewart, thinking I had been about to seitt them for ye forsd sheep, and called me ane common thief, and that I had stolen ye same sheep myselfe, and thraiteden to burne my house, using many such approbrius speeches, trfor ye sd Defenders ought not onlie to be fined and amerciate for the forsd recite crimes, but als ye sd Agnes and her sd husband for his interest ought to pay to ye sd complr. fiftie pundz Scottes of assythment.” Therefor, &c.

Sheep Stealing, 1689.



READINESS to appropriate, without much scruple, as opportunity offered, the cattle or produce of their neighbours was, as seen by the preceding article, by no means an uncommon characteristic of the rural population towards the end of the seventeenth century. Our researches

amongst the County Records have brought numerous prosecutions for these offences under our notice, and some we have brought under the notice of our readers. To these we now add a case of theft of kyne and sheep, which, so far, goes to show the extent to which thefts of this kind were carried, notwithstanding the severity of the laws, which mercilessly provided that every case of conviction should be followed by extreme penalties. The Judges in the Court of Justiciary, as shown by Pitcairn, and the heritable Judges throughout the country, as we have been endeavouring to prove, were alike unmerciful in visiting cattle stealing with the penalty of death ; but poverty, and the lawless spirit that was so much a characteristic of the time, made the people disregard the laws even when thus administered.

In the year 1698, numerous thefts of kyne and sheep had occurred in the neighbourhood of Cauldwalaw in Kilbarchan parish. In the words of the Procurator Fiscal, "numerous kyne and sheep were wanted," and suspicion of their having "been pickered and wrongously intromitted with" by Matthew Sproull and Thomas Barbour in Cauldwalaw, their houses were, in June of that year, searched, and "a pockful of sheep's bones, several sheep's skins, and nolt heads found therein." The Procurator Fiscal thereupon raised a criminal libel before Sheriff-Depute Sempill, in which he accused Sproull and Barbour of having "been in use these several years bygone, and found to be pickers and wrongous intromitters with other men's goods and gear, and several times suspected of such by their neighbours ; and particularly within a fortnight or thereby, there had been found a pockful of sheep's bones, sheep skins, and nolt heads wanted by the neighbourhood ; and the defenders being challenged therefor, they acknowledged the same, and confessed that they had stolen eight sheep by Beltane last by, and attour the kyne ; but, fearing they should be convicted and suffer punishment for the said crymes, they had taken themselves to flight, thinking thereby to escape from justice, which being verified and proven, the said defenders, in case of their appearance, ought and should be exemplarily punished in their persons and goods ; and in case of their not appearing, they ought and should be declared fugitives for said crymes, and all their guids and other movables brought in and escheat to the Fiscal of Court." The Sheriff does not appear to have granted any warrant either to apprehend or cite Sproull or Barbour to appear before him, but, on 15th

June, three sheriff-officers went to their houses, and, finding them personally, summoned them to appear before Sheriff Sempill, within the Tolbooth of Paisley, on the following day, the 16th June, "to answer to the effect lybelled." These intromitters with other men's guidis and gear, seem to have been quite alive to the consequences of appearing before the Sheriff, having already confessed their guilt within the Tolbooth, and therefore they prudently "took to the flight to evade justice," which in their case, in the event of conviction, might have been the expiation of their crime at the Gallow Green—the common place for the execution of capital punishments. Why the officers, having found these cattle stealers, did not apprehend them, and thereby prevent their "evading justice," does not appear on the record, although they produced an execution of personal citation of them. The Sheriff, on 16th June, proceeded to consider the libel; and the defenders "being in lawful tyme of day several tymes called, and they abiding absent," as might have been reasonably expected, the Fiscal craved that they should be fugitated, and their movables brought into him and escheated; which was granted by the Sheriff accordingly. Their movables would not, in all probability, be of much value, and, to save their lives, the sacrifice of them would not be worthy of consideration. Why they were allowed to escape, however, is one of those mysterious revelations of the Criminal Records of the county that is not easily explainable.

The following is a copy of the proceedings.

LIBEL.

"Complains Pror Fiscall of Court upon and against Matthew Sproul & Thomas Barber, in Cauldwalaw, yt wher the sds defenders have been in use thes severall years bygone, shown to be pickers & wrongus intramittars with other men's goods & geir, and several tymes suspect as such by yr nighbors, & particularly within this fortnight or yrby was found in yr houses ane pockfull of sheep bones with severall sheep skins and ane nolt head, all which wer leatly wanted by the nighbourhood; & when the sds defenders wer chalenged yrfor they acknowlaged the same, & confessed yt they had stoln eght sheep frae Beltane last by, and attour the kyne; and yron the sds defenders, fearing they should be convict & sufer punishment for the sds crymes, they have taken themselfs to the flight, & swa thinks to escape justice; which having been verified and proven, the sds defenders, in case of yr aperance, ought & shoul be exemplar pounished in yr person & guidis; & in case of yr not aperance, they ought and should be declared fugitives for their sd crymes, & all their guidis and geir moveable may be brought in & escheit to the fiscall of Court according to Justice."

OFFICERS' EXECUTION.

" Upon the fiftin day of Jun, 1698 Years, I, John Crabe, Sheriff Officer, past & laulie sumond the within named Defenders, personalie apprehended, with copis to compir befor the Sheirff Deput of Renfrewshir, in ane Court to be holdin in the tolbutth of Pasley the sixtin day of Jun instant, to answer at the instance of the Pror Fiscall of Court in manner and to the effect within lybellt—thus I did befor thir witnessis, Francis Sloman, John Stewart, & John Crabe, Sheriff Officers.

" J. CRABE, Owcer.

" JOHN STEWART, witness.

" F. S."

SHERIFF'S JUDGMENT.

" 16 Jun, 1698. The Defrs, being several tymes caled in lawful tyme of day, abiding absent, purr craved they might be declared *ut supra*, and yr moveables inbrought to ye Fisk ; and the Judge granted and declared accordingly.

" RO : SEMPILL, Sheriff Dept."

Slander and Evil Speaking, 1697.



HERE is no better evidence of the lawless manners that prevailed two centuries ago than the malignant, slanderous, and uncharitable way in which, with foul tongue, the people assailed one another. This looseness of speech was so universal as to give occasion to numerous prosecutions at the instance of the Procurator Fiscal of the Sheriffs' and Barons' Courts in Renfrewshire—these officials thus finding a prolific source of emolument in the severe fines imposed on the possessors of slanderous tongues, from whose malignant attacks it was difficult then to protect the character of the lieges. As an illustration of the prevalence of this evil habit, we now quote a complaint for slander, instituted by the Procurator Fiscal of the Burgh of the Regality Court of Paisley, against Robert Taylziour, fleshier in Kilbarchan, and Jean Houstoun, his spouse, which gives a fair specimen of the style of speech indulged in by those who, by their loose and malignant tongues, brought themselves within the meshes of the law and the tender mercies of the public prosecutor, in 1697. It is set forth in the complaint, "that where there is nothing

" more precious than a man's good name and reputation, and the
 " away-taking thereof by reviling, slandering, backbiting, and scan-
 " dalizing the same be ane act not only contrary to the laws of
 " God, several Acts of Parliament, and daily practique of this
 " kingdom, but also causes the persons sae defamed incapable of
 " all human contact and society, and especially when formerly
 " under ane good name and honest conversation; Yet true it is and
 " of verity that the said defenders, having laid aside all fear of
 " God's Word and regard to His Majesty's said laws and Acts of
 " Parliament, did within this month or thereby express most odious
 " words and calumnious speeches against William Allussouns, older
 " and younger of Barns Croft, without any ground or provocation
 " for that effect, by calling them frequently and openly, in presence
 " of all neighbours and bystanders, notorious villains, cheats, and
 " rascals, and saying that they were mansworn and perjured
 " knaves and dyvors, and that no honest man ought to make
 " bargains or have ado with them, and imprecating vengeance upon
 " them, saying the devil be amongst them and take them, with
 " many other hideous expressions (to the dishonour of God) not
 " worthy the rehearsing after thought: Therefor the said defrs are
 " guilty of ane high and notorious cryme and slander, and ought
 " and should be severely punished in their persons and goods, for
 " ane example to the town, and to others to doe the lyke in tyme
 " coming as effeirs."

On the 19th March, 1697, to which diet the defenders were cited, the Bailie-Depute, Robert Semple, repelled their defences, and admitted the complaint to probation. Here the record ends, and we are left to conjecture what was the punishment inflicted by the Bailie for such a torrent of "abusive and slanderous epithets and "infractions of God's Word and to His dishonour, and disregard "of His Majesty's laws and the practique of the kingdom." We have already observed that at this stage of the procedure in many of the criminal prosecutions instituted before the Sheriff or Bailie of Regality the prosecution dropped, but for what reason no explanation is ever given, leaving it to be inferred that the offence has been condoned by judge and prosecutor. In some cases we find it stated in the minutes that the "defender comes under will," that is, admits the offence, and throws himself on the mercy of the Court, and yet no sentence is recorded. It may therefore have been the more prudent course for parties guilty of offences likely, from their

serious nature, to be visited with the usual heavy penalties, to "come under the will" of the Fiscal or Judge, and thus avoid exposure in court, even if they did not also thereby save their pockets. From the fact that the fines did not then go into His Majesty's exchequer, but were pocketed by the officials and formed the only remuneration for their public services, it was perhaps thought of little importance, in times when judges were not free from corruption or guiltless of gross oppression in their administration of the law, whether the lieges were mulcted with or without a recorded sentence.

The following is a copy of the proceedings in the case of the Procurator Fiscal against Robert Taylzour and Jean Houstoun, his spouse:—

CRIMINAL LIBEL OR COMPLAINT.

"Complains the Pror Fiscall of court upon and against Robert Taylzour, Flesher att Kilbarchan, and Jean Houstoun, spouse, That qr yr is nothing more precious than man's good name and reputation, And the away taking yr off By Revilling, slandering, backbyting, and scandelizing the same Be and are not only contrary to the Lawes of God, several Acts of Parliament, and daily pratique of this Kingdom, but also causes the persons sae defamed incapable of all human contact and society, And especially when formerly under ane good name and honest conversation: Yet true it is and of verity that the said defenders, having laid aside all fear of God's Word and regaird to His Maties saids Lawes and Acts of Parliament, did within this month or yrby express most odious words and calumnious speeches against William Allussouns, older and younger of Barns croft, without any ground or provocation for that effect, by calling them frequently and openly in presence of all neighbours and bystanders nortorious villans, cheats, and raskalls, and saying that they were mansworn and perjured knaves and dyvors, and that no honest man ought to make bargands or have ado with them at all, by uttering hidous and terrible oathes against them and imprecating vengeance upon them, saying the devill be amongst them and take them, with many oyr hidous expressions (to the dishonour of God) not worthy the rehearsing after thought: Therefor, the saids defers is guilty of ane high and notorious cryme and slander, and ought and should be severely punished in their persons and goods for ane example to the terrourof to others to doe the lyke in time coming as effeirs."

"19 March, 1697.—The Judge repells the defences, and admits the complaint to probatione.

"Ro: SEMPILL, Ball.-Dept."

Prebailing Poverty of the Population, 1698.



THE actions raised by local merchants in the law courts for recovery of claims from their debtors a couple of centuries ago, is illustrative of the prevailing poverty of the time. The population of Paisley towards the end of the seventeenth century did not much exceed 2000 ; and in the hands of its merchants lay the general trade of the County, they supplying from their shops or "Booths in ye Hie Street" almost every article then required for personal or domestic use. The number of these merchants was not large, the principal being Robert Pow, James Gillespie, Robert Pasley, and James Glassford, who each had held the office of Bailie of the Burgh, and taken a prominent part in its affairs. Besides general trading, the manufacture of malt was a considerable business in the town, and some of the merchants were also maltmen and dealers in grain and oatmeal. The consumpt of malt for brewing purposes was very great, as at that time every householder brewed his own ale, that being the universal beverage used at all meals, and a large trade in malting barley and bere was carried on by maltmen, who held a prominent position as traders in the town, and supplied the whole county with malt. In the absence of potatoes, oatmeal and barley-meal were extensively made use of in every household, and formed no inconsiderable part of the food of the people. Oats and lintseed were also extensively sold, although not in large quantities ; and the lint grown was spun into yarn by the females in every class of society, and was sold at the weekly markets and at the fairs held within the Burgh. The yarn was woven by weavers, who, although not numerous, were found in every town and village in the county, and were employed either by private customers or by the Paisley merchants, by whom home-made linen cloth was extensively dealt in, as was also coarse woollen cloth woven from wool carded and spun by females of all classes and ages, it being usual for them industriously to ply both the lint and wool "spinding wheels;" and which machines, it may be mentioned, invariably formed part of the furnishing of the rooms in the mansions of the owners of land as well as of the dwellings of the humbler classes.

In the first series of *Selections from the Judicial Records of the County*, there has been published the prices, from 1680 to 1730, of the articles dealt in by Paisley merchants, as taken from their accounts; and, while showing the prices, our statements also give an idea of the nature and variety of the transactions, with the names of many of their numerous customers in every part of the county and in all classes of society.

We have noted further, as the result of examination of many tradesmen's accounts of wholesale transactions, found among judicial proceedings, some of which have been published, that the merchants in Paisley had few dealings with those of Glasgow, and made all, or nearly all, their wholesale purchases from the merchants of Edinburgh and Leith, into the port of the latter town foreign importations and those from England being then almost exclusively made.

Towards the end of the seventeenth century, the merchants of Paisley had evidently fallen on evil times, arising from a general stagnation of trade, commerce, and agriculture throughout Scotland, causing great and very general poverty. It is otherwise impossible to account for their unprecedented resort to the local courts of the county for recovery of their debts. It may best show to what an extent this had become necessary to state that one of the Paisley merchants, Bailie Pasley, in the year 1686, raised a libel before the Sheriff, against no less than 149 of his debtors for the aggregate sum of £1071 8s. 4d. Scots, another in same year against 53 debtors for a total sum of £598 19s. 7d., another in the year 1687 against 82 of his debtors for the aggregate sum of £449 9s. 6d. Scots, and a fourth in the year 1698 against 89 of his debtors for the aggregate sum of £590 2s. Scots,—in all, £2709 19s. 5d. Scots, against 373 debtors.

In these cases, the debtors belonged to every class of the inhabitants, except large landowners, located in all districts of the county, and the furnishings made to them were generally articles for personal or domestic use. The accounts libelled on, however, tell us that of 373 debtors, 119 were summoned for the price of lint seed, furnished in small quantities, showing how universally lint was grown in the County. The average sum for which Bailie Pasley's debtors were summoned was £7 5s. 3d. Scots, and, before the calling of the summons in court, 91 of the defenders paid to him to account £826 17s. Scots. Bailie Pasley, in addition to his other

branches of business, dealt in wood and iron, there being accounts for "dealls" and iron among those pursued for.

The legislation of the Scotch estates of Parliament, for thirty years preceding the Revolution of 1688, produced few Acts for the encouragement of commerce, trade, or agriculture; but the Statute Book abounds in laws imposing duties on imports and exports, calculated to restrict, if not destroy, these important interests. It is not, therefore, surprising to find, towards the end of the seventeenth and early in the eighteenth century, that a general condition of poverty existed over the whole of Scotland, from the paralyzation of trade and commerce, and that recourse to the law courts by the Paisley merchants had become necessary to recover what appear to have been extensive credits given by them. But besides showing the poverty of their customers, these actions against nearly four hundred debtors of one merchant, give us an idea of the very extensive trade which he and the other traders in the town must then have been carrying on over the county.

It will be remarked on perusal of the list of names of fifty of the debtors of Bailie Pasley taken from one of the libels, which is here to appended, that they consisted of persons who, in ordinary times, it would not have been necessary to drag into court to compel payment of just debts incurred for furnishings for themselves and their families. While from the fact of so many of the inhabitants of Renfrewshire being thus prosecuted, we may safely conclude that the impoverished condition of the country was such as a long period of misgovernment, and inattention by the Legislature to the passing of measures to promote the well-being of the people, was naturally calculated to produce, and from which many years had to elapse ere it finally recovered itself. The list of debtors may not interest general readers, but some of the names will be recognised as those of persons whose descendents are still in the places where we here find them two centuries ago.

The following is a list of 50 of the defenders in one of the libels at Bailie Pasley's instance "against his Debtors" in 1698. It would only exhaust patience, even had space permitted, were more names given, but it may be remarked that those omitted were generally of the same classes as those printed:—

BAILIE PASLEV'S DEBTORS.

William Love in Shiel of Castlesemble.
Hugh Downie in Calderhaugh.

James Orr in Renfrew.
 James Henderson in Bourwalls of Cochrane.
 Agnes Houston, Servitor to Andrew How in Pennell.
 Robert Cochrane in Third part.
 James Barber in Plaintrees.
 William Barber in Craigrudden.
 John Steen of Bargarran.
 John Watt, Cordiner at Castlesemple.
 John Hazlit,.....
 Lawrie Sproull in Barradgerrie.
 Robert Lothead, Tailor at Little Caldwell.
 Thomas Barr in Glanderstone-dyke.
 William Barr in Kirkton of Neilston.
 John Barr in Auchentiber.
 Hendre Gibson in Hollanbush.
 John Stevenson in Craig of Neilston.
 William Cunningham in Townhead of Raice.
 John Pattison in Hallhill.
 James Allason, son to Janet Allason, Widow, in Howwood.
 Janet Barthellemew, Widow in Shiells.
 Robert Love, Eldest, Yr,.....
 James Lautey in Midtown of Castlesemple.
 William Ritchie in M'Donallie.
 John Lyle, Weaver in Hollow Barnaigh.
 John Orr, Carrier in Auchenhaine.
 Andrew Bryden in Holl of Lochwinnoch.
 Margaret Glen, Widow at Burnfoot.
 James Glen, Weaver in Linthills.
 James Orr, Younger in Langstillie.
 Robert Love in Kayme.
 Robert Kelso,.....at Lochwinnoch.
 William Muir in Kayme.
 William Bryden in Hill.
 Hew Wylie in Kayme.
 Margaret Speir in Gateside.
 James Craige, Carrier, Yr.
 Janet Scott in Commonsie.
 Janet King, Widow in South Bar.
 John Storie in Barns.
 John Birkmyre in Town of Inchinnan.
 Thomas Whitehill in Sandielands,
 Robert Orr in Greenbrae.
 John Woodrow, Dryster in Houston.
 Helen Woodrow, Widow, Yr.
 Robert Speir, Cordiner, Yr.
 William King in Grafesrayes of Houston.
 David Leggat, Tailor in Auchenback.
 Robert Finlayson, Weaver in Park.

Domestic Expenditure, 1701.



HERE is in the Record Room an old document endorsed "Ane account of Mr. William Stevenson, wryter, to M. Stevenson, merchant, 1701," amounting to £14 5s. Scots, for which an action was raised before the Sheriff. It consists of eighty-seven items, being articles furnished by the pursuer, who, like the other shopkeepers in Paisley of the time, were designated merchants; and from their booths or shops in High Street, Wangattend, and Mercat Street, supplied the inhabitants of the town and surrounding districts with every article then required, either for personal or household use. Such an account, giving in detail the kind and cost of articles sold on credit to a family in Mr. Stevenson's position, is sufficiently curious and interesting to justify its being published. It evidently extends over a considerable period, although the dates of the various purchases are not given; and it contains, among others for household use, articles of dress required by the members of the family. There are some features of the account that are particularly interesting, viewed in the light of what is required in our own time, such as the number, quality, and price of articles of dress. The quantity of thread indicates industry and economy, while the use of numerous other articles shows a remarkable amount of attention to cleanliness and consequent comfort. For dress, we find that Mr. Stevenson only required "ane ell and three quarters of gray cloath, at 34/ per ell;" his wife, "Five and three quarters chamlet, six ounces of whelbon," and certain small quantities of "stiffen;" and his son Alexander, a hat; the cost of the whole being £7 7s. Scots. The other items are thirty-five purchases of soap, twenty-two of starch, seven of thread, nine of "blue," and five of penny candles. There is one item which does not explain itself—"To ane night's keeping per agreement, 10s. Scots." A Beir glass is charged at 4s. Scots; and there is an item, "For your pairt in 'Hairrings' from the shoor, 2s. Scots;" and another, "Lent your sister, 14s. Scots." The position of Mr. Stevenson as a legal practitioner was respectable; but his professional income may have been small, and requiring pinching economy in his family expenditure, and not less in his office, for which the whole supply of materials is "Ane quear of peper (quire of paper), 5d. Scots." The absence of all luxuries from the account

will be remarked by our readers, but they know that in 1701 the use of wine, tea, coffee, and sugar, was confined to the upper or wealthy classes, those of ordinary estate having to content themselves with home-brewed ale or something simpler. We miss from the account such articles as oatmeal, barley-meal, milk, cheese, butter, and salt, that to some extent must, with butcher meat, have been used by such a family as Stevenson's, but which possibly may have been supplied by other tradesmen. Still, admitting these excepted articles to have been supplied otherwise, we have in this account enough to prove that the cost of maintaining a family two hundred years ago was such as may well excite a feeling of envy in paterfamilias of our time, who are continually called upon by their families to unloose their purse-strings to meet the exigencies of an advanced civilisation, a more artificial mode of life, and the unceasing requirements of fashion, leading to extravagance, personal and household, and a corresponding expenditure not always conducive to comfort, while it sets all attempts to economise at defiance.

The following is a copy of the account referred to:—

Wm. Stevenson, Writer, his account.

	<i>Scots.</i>
Im Two ounce starch, and a placksworth of bleu,.....	£00 02 00
It Ane night keeping by agriment,	00 10 00
It Two ounce soap and candell,.....	00 01 00
It Ane ounce of threid,	00 01 03
It Half an ounce whyt threid,	00 01 06
It Ane ounce of the forsaid threid,	00 03 00
It Ane ounce culord threid,	00 01 08
It Ane hatt to you swn Alexander,	01 02 00
It Ane quarter pownd sop : It ane quarter pownd sop,.....	00 02 00
It Ane quarter pownd sop,.....	00 01 00
It Ane quear of peper,	00 05 00
It Two pownd sop,	00 08 00
It Ane candell,.....	00 00
It Ane ell and threi quarters gray cloath att 34sh. per ell,	02 19 00
It Ane ounce of threid : It ane quarter pownd sop,	00 02 00
It Ane quarter pownd sop : It half a pownd of sop,	00 03 00
It Half a pownd sop : It half a pownd sop,	00 04 00
It Half a pownd sop and ane candell,	00 02 00
It Ane quarter pownd sop : It and ane half pownd worth bleu,	00 01 00
It Two ounce of starch : It half a pownd of sop,	00 03 00
It Ane quarter pownd of sop : It a half penny worth of bleu,.....	00 01 00
It Ane candell : It half ane ounce of threid,	00 01 02
It Ane ounce of threid,	00 01 08
It Half a pownd of sop : It ane ounce of stiffen,	00 02 10
It Threi quarters pownd sop : It ane candell,.....	00 03 04

	<i>Scots.</i>
It A plaks worth of bleu : It Half a pownd of sop,	£00 02 04
It Four ounce of stiffen, and half an ounce of bleu,	00 04 04
It A quarter pownd of sop, and ane ounce of stiffen,	00 01 10
It Six ounce of whelbon at 2s. the ounce,	00 12 00
It Two ounce of pulder to Hugh,	00 01 08
It Ane quarter pownd of sop : It ane quarter pownd sop,	00 02 00
It Half a pownd of sop : It half ane ounce of bleu,	00 03 00
It Threi ounce of stiffen : It ane candell,	00 02 04
It Half a pownd of sop : It two ounce stiffen, and ane quarter of ane ounce of bleu,	00 03 10
It Ane quarter pownd sop : It ane quarter pownd of sop,	00 02 00
It Ane quarter pownd of sop : It ane quarter pownd sop,	00 02 00
It Ane halfpeny worth of bleu : It ane ounce of stiffen,	00 01 02
It Ane quarter pownd of sop,	00 01 00
It Ane quarter pownd of sop : It ane quarter pownd of sop,	00 02 00
It Threi ounce white sop,	00 02 06
It Half a pownd of sop, two ounce stiffen, and ane quarter ounce of bleu,	00 03 10
It Five ells chamlet at 9s. per ell,	02 05 00
It Threi quarters of the forsaid chamlett,	00 06 00
It Half a pownd sop,	00 02 00
It Half a quarter gray cloth,	00 00
It Five quarters pownd of sop,	00 05 00
It Threi quarters ounce bleu, and four ounce stiffen,	00 04 00
It A quarter pownd sop : It a quarter pownd sop,	00 02 00
	<hr/> 13 05 00
It Lent your sisster,	00 14 00
It For your pairt in Hairrings 6oz from the shoor and dewydinge of it,	00 02 00
It Ane Beir glass,	00 04 00

the twenty-eight of February, 1701.

Received from William Stevenson, writer, payment of the above wryten account, and discharges him thereof, and from all proceedings, as witness my hand, day and place forsaid.

M. STEVENSON.

Attempted Damming of a Stream and its Results, 1702.



DOWN to a time not far past, the use of steam-power was unknown in agricultural districts, and for grinding the produce of the soil, the ancient wind-mills or those driven by water-power were resorted to. A running stream was therefore of great value for grinding grain, as well as

for irrigating meadow land, the use of cattle, and many other domestic purposes ; and the right to its use was jealously maintained and all interference with it, except such as prescriptive right or use and wont sanctioned, keenly resisted. This conservative feeling gave occasion to many feuds and misunderstandings between neighbouring proprietors and tenants of land, and was productive of numerous civil law-suits and criminal prosecutions. Violence too as not unfrequently happened was resorted to, to protect, or occasionally to exercise, what parties considered to be their right, either by obstructing the stream by dams or by diverting the water from its ordinary course, for irrigation or other purposes. Of both classes of cases, civil and criminal, there are many among the Judicial Records of the County, and some of the civil cases were prosecuted for years, and were even handed down from father to son, a species of family legacy by no means uncommon in some parts of Renfrewshire, where there was a general proneness to legal strife. It would perhaps be wrong to say that the lairds and tenants in the eastern district of the county were more litigious than those in other parts ; but many persons are still alive who recollect that so much was legal assistance desiderated by them, so late even as the early years of the present century, that some legal professional men from Paisley regularly attended in certain public-houses in the Trongate of Glasgow on Wednesdays for convenience of consultation. Keen and pertinacious was the litigation regarding the rights of conterminous proprietors and tenants in streams flowing through their lands, and the contention was often prolonged for years at great expense, the old dilatory forms of process allowing an ingenious agent to continue the litigation almost *ad infinitum* ; indeed, one case we personally remember, raised four years before the expiry of a lease, for an alleged illegal use of the water, was kept alive till the end of the lease, to the serious injury of the conterminous tenant.

In the year 1702, Andrew Syme, portioner in Newton of Mearns, and Arthur Herbertson, in Newton Foot, were conterminous proprietors, having a stream flowing through their respective lands ; and it may not be uninteresting to remark that the Herbertsons, an old and highly respectable family, still own and occupy the same lands. Mr. Herbertson having attempted to form a dam in the stream which would have led the water away from Mr. Syme's lands, the latter interfered, and challenged his neighbour's right and

desired him to desist, when he was attacked by Mr. Herbertson, who, with the tool he was using for making the dam, struck Syme on the head, and cut and wounded him to the great effusion of his blood. For this assault, the Procurator Fiscal and Syme raised a criminal libel, at their instance, against Herbertson, and craved that he should be punished by being fined or unawled in the sum of £100 Scots. This libel and the Sheriff's judgment we append to our present notes. The defender failed to appear to justify his conduct, and in absence was fined in £50 Scots "to ye Fisk." Syme did not profit by the prosecution; and, as regards him and his neighbour, the only result of it would be a perpetuation of the feud between them, leading, in all probability, to further contention as to their respective rights in the stream, and possibly to further profit to "ye Fisk."

The following is a copy of the criminal libel, the Pror. Fiscal and Andrew Syme against Arthur Herbertson, with Sheriff-Substitute Charles Simpson's judgment:—

"To the Earl of Eglinton, Hereditary Sheriff-Principal of Renfrew, and Principal Bailie of ye Regalitie of Paisley.

"Complains the Pror Fiscall of Court for his interest, and Andrew Syme, Portioner of Newton in Mearns, upon and against Arthour Herbertsoun in Townfoot yrof, That qr upon ye nyntene of this instant, ye said Arthour having damed ye water, and his sending the samen over my land to his own lands lying foresaid: That I ye sd Andrew Syme cam to him quill he was doing ye samen, and desired of him how could he doe ye samen without my leave, and he answered he would do it whether I would or not, and endeavouring to stop him, he, without any furdur word or provocation, did take up his tool he had in his hand making ye said dam for water, and did strik above me head and yrwith stroke me down to ye ground, and did cut me over the head to ye effusion of my blood in great quantitie: Therefor craves he may be fyned and unawled in ye soume of Ane Hundred Pounds to ye Pror Fiscal."

"22 Sept., 1702.—The Deifr being absent, several tymes called and not answering, or any for him, the Judge Decerns and unlaws him in Fiftie pounds Scots to the Fisk.

"CHARLES SIMPSONE, Sub."

Travelling in Scotland in 1703.



ISTORIANS unite in describing the roads in Scotland two centuries ago to have been so wretchedly bad as to make travelling difficult, and even dangerous. They were generally mere horse tracts, formed over rising

ground, without regard to gradients, in order to avoid the marshy and undrained plains, and unfit to be used for carriages of any description, and causing horseback to be the almost exclusive mode in which they could be travelled upon. Individuals or families going any distance, were forced to ride with such a retinue of attendants as their station or circumstances required, their baggage being swung across the horses' backs. It was usual for landowners and their families to visit the Metropolis ; and we find that, for such a journey, six or eight horses were often required for themselves, their servants, and their baggage. A merchant in extensive trade went to the English manufacturing town or to London on horseback to make his purchases ; and a manufacturer travelled over the country mounted and often attended by an assistant, the one or other leading an additional horse, each horse being loaded with samples of the goods for sale ; and he, with other traders who travelled on foot, being universally known as packmen. The farmer carried his farm produce to market or to the mill on led horses ; and, indeed, in those days, everyone having occasion to leave home, either on pleasure or business, required to own or hire a horse, by which means, in the absence of public conveyance, they could alone move. The expense incurred by a family of position was thus great if they left home ; and among the County Records are some large accounts for horse hire, and for the wages of the retainers required on such occasions, one of which is appended to our present notes. It is an account incurred by the Walkinshaws of Walkinshaw, one of the old and influential families of the county, to John Glen, of date 1703. The family then resided in Bishopton House, the same old mansion house in Erskine Parish still overlooking the Clyde, and now belonging to Lord Blantyre ; and having occasion, as appears from this account, very frequently to visit Edinburgh and other places, with considerable additions to their ordinary retinue of servants and horses, had recourse to Glen, who supplied them with attendants to take charge of their horses and discharge other duties. When they visited Edinburgh and elsewhere, they seem to have taken a considerable retinue with them, as we find the men supplied by Glen taking charge sometimes of five, and even as many as eight horses ; and one man, "Jeamy Mathie," was charged for by Glen as having been so employed upwards of twenty times on as many journeys. "Jeamy's" wages were extremely reasonable, being only four shillings Scots, or fourpence sterling per day ; but

others, such as the "Governor's man" and "Robert Lang," received eight shillings Scots; and "Jeamy and Mrs. Ayking," when employed together—the latter in attendance, no doubt, on the ladies of the family—had six shillings Scots. But the account, besides letting us know the wages of men and women so employed, is chiefly interesting as showing how very frequently the Walkinshaw family, when requiring to travel, had to supplement their own retinue of servants by others, not only to assist in the transport of themselves and their needful equipment, but to take charge of the large number of horses which they used. The cost of thus travelling, in times when rent rolls were meagre, and money was so scarce and valuable as it was at the beginning of last century, must have been a formidable item in the household expenditure of county families, and would have the tendency to prevent them from undertaking any journey unless from necessity; and it must still more have had this effect with others less able to afford the expense. In our first volume, we have referred to this mode of travelling by Paisley tradesmen, and gave an instance of a Paisley merchant, so lately as the end of last century, travelling to London on horseback to make purchases, in consequence of the great cost of travelling otherwise.

The following is a copy of John Glen's account against the Walkinshaws, to which we have referred:—

COPY ACCOUNT.

An account of what is owing to John Glen by the family of Byhoptoun, from the year 1703.

Imprimij Jeamy Matthie back and forret with a hors to Columaha,	£00 04 00
It : more Jeamy Matthie back and forret with a hors,	00 04 00
It : Robert Lang back and forret with tuo horses,	00 08 00
It : Jeamy Matthie over to Columaha with 7 horses and back with 5 horses,	01 04 00
It : more thrie horses back and forret to the goat milk,	00 12 00
It : more Robert Lang back and forret with a horse and a woman,...	00 04 08
It : more Jeamy Matthie back and forret with a hors,	00 04 00
It : more the garnery man back and forret with a hors,	00 04 08
It : more Jeamy Matthie back and forret to Columaha,	00 04 00
It : more Jeamy Matthie to Edinburgh with thrie horses,	00 06 00
It : more Robert Lang back and forret with four horses to Columaha,	00 16 00
It : more Jeamy Matthie back and forret to law with a hors,	00 04 00
It : more the garnery man over to the Laird of Law with a hors & back upon foot,	00 02 08
It : more Jeamy Matthie back and forret to Bavie with a hors,	00 02 00
It : more Hew Walker and the garnery man over to Law & back with 3 horses,	00 06 00

It : more Jeamy Matthie over, and Mrs. Askin with tuo hors to Edinburgh,	£00 29 00
It : more Jeamy Matthie home with a hors,	00 02 00
It : more Jeamy Matthie over with tuo horses,	00 04 00
It : more Jeamy Matthie over to the Laird of Law upon foot,	00 00 16
It : more Jeamy Matthie back and forret with a hors,	00 04 00
It : more four carry over to the grass at Law, and tuo men back & forret,	00 06 08
It : more Jeamy Matthie from Edinburgh with tuo horses,	00 04 00
It : more Jeamy Matthie over to Edinburgh with a hors,	00 02 00
It : more Jeamy Matthie home with tuo horses from Edinburgh, ...	00 04 00
It : Jeamy Matthie over going to Edinburgh with tuo horses,	00 04 00
It : more Jeamy Matthie and Mrs. Ayking over to Edinburgh with 3 horses,	00 06 00
It : more Jeamy Matthie home from Edinburgh for tuo horses,	00 04 00
It : more tuo men back and forret for four cous from Law,	00 06 08
It : more Jeamy Matthie over with a hors from Edinburgh,	00 02 00
It : more Jeamy Matthie and Fforaney Frieeland to Edinburgh qt 5 horses,	00 10 00
It : more the Lady home from Edinburgh with 8 horses,	00 16 08
It : more six Lodning of coals from the ferrie dyke to byhoptoun at ten groats per Lodning,	12 00 00
	lbs: Sh: Ds.
Summa,	21 09 04

Received from Jeamy Matthie a load of meel, which I am owing.

The Educational Condition of the County, 1688-1750.



IT would be interesting to know the state of education in Renfrewshire in the fifty years to which our notes generally refer—1680 to 1750—its nature and extent, and the terms on which it could be procured, and its results. But regarding these the Judicial Records of the County are almost entirely silent. They, however, let us know that comparatively few persons brought into Court, either as parties or witnesses, could write their names. The amount of education, or the number of educated persons, must therefore have been small indeed. The criminal records, on the other hand, exhibit a considerable amount of crime, chiefly assaults attended with violence

and bloodshed, and petty offences such as brawling, fighting, and breaches of the peace, all showing a disregard for order or observance of the laws, from which it may reasonably be inferred that education was very much neglected. Going further back a century, we find from Dr. Cunningham's "History of the Church of Scotland," which we have occasionally quoted on ecclesiastical subjects, that in 1616 the Scotch Privy Council put forth its authority to confer on the country the blessings of education by declaring in an Act of Council that in every parish, where convenient means could be had for establishing a school, one should be established and a fit person appointed to teach in the same, at the expense of the parishioners and at the sight of the bishops. Ten years afterwards, in consequence of a royal proclamation then issued, reports were made (which are preserved and published by the Maitland Club) by "ministers, aided by two or three intelligent parishioners in each parish," on the condition of education, which showed a great many parishes to have no schools, and, from these reports, a very dark picture is drawn by the historian of the state of education at that period, although he admits that there existed Grammar Schools in the principal towns, affording education to the upper classes. The Parliament of 1633 ratified the Act of the Privy Council of 1616, and, the clergy following it up, schools began to be built and endowed, and the people to grow, but at a very measured pace, in intelligence; and it was not till after the Revolution in 1688 that the proprietors or heritors were compelled to furnish the means of education in every parish. But long before this time, in 1576—as we are informed by Robert Brown, Esq., late Provost of Paisley, in his "History of the Paisley Grammar School"—King James the Sixth, then only ten years of age, or rather those who managed State affairs for him, were, through the influence of the Rev. Patrick Adam, the first minister of the Abbey, induced to grant a royal charter, erecting the Paisley Grammar School, with an endowment from the lapsed riches of the Abbey of Paisley. This school, which has long flourished, and is now one of the most important educational institutions in Paisley—its buildings having recently, through the exertions of Mr. Brown, been greatly extended—was originally founded "for the support of "a master or teacher to instruct and educate the boys and youth of "the Burgh and of the country adjacent." At the time of its foundation, the population of Paisley could not have exceeded 1000,

for even in 1695, more than a century afterwards, it only amounted to 2200. The school, therefore, made good provision for the educational wants of so small a population. Like other parishes, Paisley came under the provisions of the Act of 1633, and from that time has had the advantages of the parochial system, to which in times past Scotland has owed so much of its educational superiority over other parts of Great Britain. From 1688 to 1730, the period of which we are now treating, the greater part of the people of Scotland were not in a condition to take advantage of any system of education. The country had long been suffering from misgovernment and persecution, and neglect of its agricultural, commercial, and manufacturing interests, and all classes were impoverished. Only in the third and fourth decades of the last century did prosperity dawn on Scotland, and the people begin to feel the benefits of the Union in an increase of traffic and intercourse with England, whereby her agricultural, commercial, and manufacturing interests obtained a vitality which has ever since been growing and extending. It is not therefore surprising that we have not found in the Judicial Records evidence of progress in education over the county, notwithstanding of the parochial system being in operation. On the contrary, the lack of ability in parties and witnesses in civil and criminal causes to sign their names, and the amount of crime, rather goes to prove that from 1680 to 1730 the schoolmaster was not in such a state of useful activity as now, when education occupies so much of the public attention, and is so generally diffused by our national system.

When we began these notes, we had laid aside as a text for the present number a case brought before the Sheriff of the County, at the instance of Mr. William Reid, schoolmaster in Kilbarchan, against James Love, flesher there, for "eight merks Scots, being a "just and reasonable satisfaction for teaching, learning, and instructing of Janet, his daughter, for the space of two years preceding "ye institution of summons, being a mark, Scots money, quarterly," and for which Mr. Reid obtained decree. There are some other such cases, but the quotation of one is enough, its only importance or interest being that it shows the rate of school fees in 1703, in the parish school of Kilbarchan, for "teaching, learning, and instructing" a tradesman's child. The fee was 4s. 5d. sterling annually; and, supposing Mr. Reid to have had forty pupils, his yearly income from school fees would only be £8 6s. 8d. sterling, supple-

mented by a small salary from the heritors, with the use of a school-room and dwelling house. It is satisfactory to find that, although so indifferently remunerated for his work, he was courteously treated and respected as the parish schoolmaster, if not reasonably paid for discharging the most important duties of his office.

The following is a copy of the summons, at Mr. Reid's instance, against James Love, and the Sheriff's judgment :—

SUMMONS.

“ To the Earl of Eglinton, &c.

“ I, Mr. William Reid, schoolmaster of Kilbarchan, ask and claime fra James Love, Fleshour in Kilbarchan, ye soume of Eight Merks Scots money, as a just and reasonable satisfaction for teaching, learning, and instructing of Janet Love, his daughter, at school, for ye space of two years preceding indictment or summons, that being a Mark Scots money quarterly, and therefore he ought to make payment, or els to alledge a reasonable cause to ye contrar.

“ 10 Feby, 1703.

“ Actor, Robt Fork. The Defender, this day eight days absent, is holden as confest, and sentence continued until this day, att which tyme Decerned.

“ RO: SEMPILL,

“ S. & Bailie Dept.”

Queer Bee Case in Pollokshaws,

1705.



IF we are to learn the manners of the inhabitants of the villages in Renfrewshire, two centuries ago, from the Judicial Records of the County, we will find that honeyed words, mild tempers, and dislike of violence, were by no means their general characteristics. If, however, they were sour in speech and rude in manner, they tried to sweeten their domestic life by the cultivation of the bee ; and, by gathering the produce of its never-failing industry, sought to supply the place of butter, then dear and scarce, to eat with the oat and barley-meal bannocks,—these, with their favourite beverage, home-brewed ale, forming their chief food. In 1705, the population of Pollokshaws—one of these villages—was small in number, and it had not then attained to the dignity of a Burgh, and could not boast of a Provost or Bailie ; nor had it become famous for the extent and variety of its manufactures,

or the intelligence or public spirit to which, in modern times, it has not altogether unjustly laid claim. From its earliest days in the eighteenth century, the village has been patronised and fostered by the House of Pollok, the feuars being their vassals ; but although without Magistrates, it had what they called "dignified men" in the persons of the successive deacons of the weavers,—nearly the whole working population being on the loom. The dignified deacons held Courts, imposed fines, and gave decisions in matters of dispute in the trade ; and they had a town drummer and a town flag with the Maxwell arms emblazoned upon it ; and on certain days, particularly at their annual election, the "dignified men" went forth with the members of the Deacons' Court, with their drum beating and flag "flaunting in the breeze," in grand procession, to the great delectation of the inhabitants, or, as they have been quaintly called, "the Queer Folk of the Shaws." In 1810, the town was erected into a Burgh of Barony,—Sir John Maxwell, Baronet, then of Pollok, being elected Provost, and John Monteith of Auldfield, brother to the late Henry Monteith of Carstairs, Bailie, by the unanimous vote of the four pound householders, the constituency given to the Burgh by its charter. The town of Pollokshaws had, therefore, long anticipated the household suffrage conferred on the Burghs of Scotland by the Reform Act of 1868. The Burgh, since it obtained its Charter of Erection, has been well governed, and the Town Council being annually elected, have fairly represented their constituents ; and it cannot be otherwise said of Pollokshaws than that, if it be a poor it is at least a pure Burgh, and it also can compare favourably in its police, sanitary condition, lighting, gas, and water, with others of larger population, larger dimensions, and greater pretensions.

But, to our subject, which is "sweeter far" than many of our reminiscences of the Burgh. Like the folk of Pollokshaws, their streets have queer names ; and in "Bengal"—a quiet part of the village now famous for its being the site of the well-known Pollokshaws Industrial School, founded by the late greatly respected and benevolent Laird of Pollok, Sir John Maxwell, and now known as the Sir John Maxwell School—there lived, in 1705, James Spiers, weaver yr. He was a cultivator of bees ; and in another street called "Boglehal" he had for neighbours widow Martha Lock, Matthew King, yr., her son, and Margaret and Elizabeth King, her daughters. The widow was also a bee fancier, and had a number of skeps. One of them being empty, a swarm of bees from some

neighbouring hive took possession, and as, at the same time, a swarm had cast off from one of Spiers's skeps, he claimed them as his property, and the widow and her family being required to restore the bees, they refused. Bees seem to have been then of considerable value, the sum of twenty pounds Scots being demanded by Speirs as the price of the swarm. This being also refused, the bees and the competing owners sought redress in Court, and a criminal complaint, at the instance of Spiers and the Procurator Fiscal for his interest against Widow Lock and her son and her daughters, was brought before Sheriff-Depute Sempill. The libel narrating "That qr by the common custome and practicall law of this kingdom it is not lawful to keep empty bee skapes in their yeards, because the same is ane mean to appropriate oyr men's bees to ymselves, they naturally inclining to enter empty skapes. Likeas by the sd law swarms of bees properly pertaine to those that were possessors yrof wherever they be, or when flying away and pursued by the owners. Notwithstanding, it is of verity that, about Lambas last, I having ane skape of bees which, swarming in my absence and the swarm flying away, was pursued by my spouse until they came to the defenders' yeard, and yr entered into ane empty skape of the defenders or each of the defenders, and I and my said spouse coming in the tyme thereof and signifying that they pertained to me, the sds defrs and ilk ane of them were unwilling to delyver the samen to me, pretending that they were some of their own swarms, whereas it consisteth with ilk ane of their knowledges that they had non of their skapes casten that day; and to evidence the same, the sds defr, Matthew King, desyred me to send to him ane empty skape and he should put ane swarm yrin and give to me, which he never would have done unless convinced that the sd swarm was mine, which they are the more convinced of that no other persone have challenged them as theirs or laid claime yrto, nor are ther any oyr about that keepeth bees; and yrfor they, or each of you, ought to be decerned to make delyvery to me of the forsd swarm, with Four Pounds Scots of damage and expenses yranent, or also to pay the sume of twenty pounds Scots as the worth of the samen and products thereof, attour being fined at the Fiscal's instance."

The following proceedings took place, as appears from the minutes :—

25th Nov., 1705.

The Judge having considered the within-written Complaint, Defences and

Reply made yrto, sustains process att Spiers' instance, allowing oath of calumnie, and in the interim admits the samen to probation.

R. SEMPILL, Sh Depute.

6 Dec., 1705.

Matthew Lock, being solemnly sworn and interrogated anent the hail articles of the Lybell, Deponed negative, and this to be of verity, as he should answer to God.


Martha Lock depones also negative *ut alter*.

Elizabeth and Margt. King also deponed negative, and the hail assoilzied.

RO: SEMPILL, Sheriff Dep.

It may interest those of our readers who have apiaries, to find that Sheriff Sempill held that the owner of a bee-skep from which a cast has swarmed is entitled to follow and claim the swarm wherever the bees have lighted and could be found, and also to know that nearly two centuries ago a swarm was valued at £20 Scots, or £1 13s. 4d. stg., a very considerable sum, taking into account the then value of money. But the pursuer in this case seems to have failed to identify the swarm, and therefore could not, as alleged in the summons, have with his spouse followed it until it got into the defenders' empty skep. The case is also curious from the phraseology of the libel, and as proving that bees were at so remote a period cultivated for their produce, which, no doubt, would materially help to make the very coarse food of our forefathers somewhat more palatable.

Feud between the Tenants of Farms of Henderston, 1707.

HE County Records bear abundant evidence to the fact that, in the eighteenth century, and especially in the earlier of its decades, family feuds between neighbouring occupiers of lands were not uncommon, and were carried out with great vindictiveness, and often attended with bloodshed. That such a condition of things existed among a class removed by position above the lowest or labouring class, lets us see to what a miserable social condition the lower classes of the people of Scotland must have been reduced, and enables us to account for the proneness to violence and disregard for

the laws which was so general, and brought so many into the local Criminal Courts to answer for assaults with brutal violence, and generally with bloodshed, and, in some instances, loss of life.

Of these Criminal Prosecutions, we have an instance in the case we now notice. It arose out of what appears to have been a feeling of strong and rancorous hostility between the tenants of the adjoining farms of Henderston in Abbey Parish ; and from the nature of the violence used, seems to have culminated in a most brutal and outrageous assault by one of them on the son of his neighbour.

In 1708, James Langmuir and James Mitchell were tenants of the adjoining farms of Henderston, and between them there seems to have existed anything but a friendly or neighbourly feeling ; on the contrary, their hatred of each other was such that it found vent in acts of serious violence, which brought their feuds under the cognisance of the Sheriff of the County, at the instance of the Procurator Fiscal.

On the 26th day of December, 1707, from no other apparent reason than the existing feud of the two families, James Mitchell was accused by Alexander Langmuir of having attacked Allan Langmuir, his son, and pursued him into his father's barn, " and there dragged him to the ground, and, when lying there, did " beat him with a thrashing-flail, and trample upon him with his " feet, and bruise and injure him to such an extent as to render " him unable to rise from his bed and endangered his life."

This was a very serious charge, but there being no witnesses to the assault, the Fiscal was forced to follow the customary practice of putting the accused party on oath, and thus attempting to make him prove his own guilt. In former numbers, reference has been made to some monstrous cases where this course was resorted to, and successfully, for securing convictions—in one case of poaching against twenty persons accused, but against whom there was no evidence except what was extorted from themselves on oath ;—but, in the present case, James Mitchell, when put on his oath, deponed negative to the serious charge brought against him.

The Sheriff therefore had no alternative but to find the libel not proven, and to assoilzie the accused ; still it is hardly conceivable that the Langmuirs could have invented the charge of assault, and that the young man assaulted should lie in bed simulating severe

suffering from injuries in order to get Mitchell punished. It is much more likely that Mitchell, having the power of sternly denying the charge on oath, preferred to violate his conscience rather than come under Sheriff Maxwell's judgment, as, according to the Sheriff's rule, he would have inflicted a punishment that would not only have been a terror to Mitchell, but to "all others, against the like crimes."

COPY OF LIBEL.

"Complains we, James Langmuir, in Henderston, and Allan Langmuir, son to the sd James Langmuir, and the Pror Fiscall of Court, for his interest, upon and against James Mitchell, in Henderston: That whereby the laws of this kingdom the Battering, Blooding, and bruising of any of her majestic's Lieges are crimes of ane high nature and justly punishable; notwithstanding whereof it is of verity, That the sd Defr, having shaken of all fear, dread, or regard to the sd laws, and in high and manifest contempt yrof, did, upon the twenty sixt day of Decr., 1707, or upon one or other of the days of the sd month, fall upon me, the sd Alan Langmuir, and did pursue me to my father's Barn, and ther did ding me to the ground, and did thresh upon me with ane threshing flail, and did violently trample me under his foot, and did bruise all my Bowels, sua that ever sinse I have not been able to rise forth of my sd Bed, and am more likely to die by ye said bruises than to live: Therefore the said Defr ought not only to be punished in his person and goods, in terror of oysr to do ye lyke in tyme coming, but also he ought and should be apprehended and secured until he find sufficient caution to underlye the law, in regard I am more likely to die than live. Likeas, the said Defr, being asked by the said James Langmuir what reason he had to strike and abuse his son, who answered that he only stroke him with a Flail."

"Paisley, the 20th January, 1708.

"Compeared the Defr, who, being solemnly sworn upon the first part of ye Lybal, Depones negative, and this is the truth, as he shall answer to God, and epones he cannot wryt. The Sheriff therefore absolves.

"J. MAXWELL, Sh. Dep."

Brawl at Paisley Fair, 1716.



HE case appended, and to which we now call the attention of our readers, is one of a series of prosecutions for brawling at fairs and markets, some of which have already been brought before them, each, so far as it goes, corroborating the fact that lawlessness and personal bickerings were characteristic of the general population in the be-

ginning of the eighteenth century. From the complaint we learn that a fair was in 1716, as now, held at Paisley in the month of May; and among others who had resorted to it were Alexander Alexander in Mossneuk, William Bartholomew in Eldersly, and William Bartholomew in Newton, and "being with some others in " the house of James Dennistoun, quarrier in Paisley, after many " words and threats fell a fighting and beating each oyr with staves " and battons, threw oysr to the ground, dragged, dumped, and " dung oysr with yr feet, fists, and oysr upon their heads, breasts, " and oyr parts of their body, and after they came from the said " James Dennistoun's house, they yrafter, yt same night, fell to work " again and resumed the said scuffle and fight, and beat oysr as " aforesaid, by which first and last the Defrs were each of ym " bruised and blooded to the great effusion yrof; which crymes and " breaches of the peace being agravated from the time and place as " aforesaid, the said Defrs and each of ym ought to be fined in 50 " lbs each, to ye terror of oysr." Such was the nature of this brawl, and, as described in the complaint, it differed little from others, although in most cases the injuries sustained were more serious, and in some alleged to be to the danger of life. For the "terror of the others" and his own interest, the Procurator Fiscal of Court presented a complaint against Alexander Alexander and the two Bartholomews, and they being cited to attend before Sheriff Sempill at Houston, on the 14th May, 1716, they all appeared and denied the complaint, and the Sheriff admitted it to probation, the Fiscal condescending to prove per testes. At a future diet, of which, with consistent irregularity, no date is given, the defender Alexander appeared and purged contumacy by his presence. The other defenders, William Bartholomew in Elderslie and William Bartholomew in Newton, being absent, were fined in ten pounds each for their contumacy in failing to appear, and were ordained to be cited anew. This mode of inflicting two penalties was usually adopted. If a defender appeared, there was, of course, no contumacy and no consequent fine for that; but if he failed to attend, he was first fined for his contumacy, and if he failed again to answer to a second citation, or if he appeared and admitted his guilt, or it was proved by his oath or otherwise, he was fined for the offence. The fine for contumacy or for guilt was never in any case less than £10 Scots, and ranged from that sum to £500 Scots, at the discretion of the Sheriff.

The following is a copy of the proceedings in the case of the Fiscal against Alexander and the Bartholomews :—

COMPLAINT.

“Complains the pror ffiscall of Court upon and against Alexr Alexander in Mossnock, William Bartholomew in Eldersly, William Bartholomew in Newtown : That where By the lawes of this and all oyr well governed nations, the Beating, Blooding, and abusing of any of his Matie’s Leidges, and the fighting and bulloing with oysr, whereby his Matie’s peace is any wayes Brocken, especially at publick fairs, which are ffenced by authority, Be and are crymes of ane hy nature and severly punishable by law, notwithstanding prof it is of verity yt at ane fair of Pasley, which was upon Wensday last, the said Defers with some oysr being in the house of James Dennistoun, Quarior yr, after many manaces and threats ffell a ffighting and beating oysr with staves and battons, threw oysr to the ground, draged, dumped, and dung oysr with their feet, fists, and oysr upon their heads, breasts, and oyr parts of their body, and after they came from the said James Denniston’s house, they yrafter yt same night ffell to work again and renewed the said scuffle, and fight and beat oysr as aforesaid : By which first and last the Defers were each of ym bruised and blooded to the great effusion yrof, which crymes and breaches of the peace being agravated from the tyme and place as aforesaid, the said Defers and each of ym ought to be fined in 50 lbs each, to the terror of oysr.”

PROCEDURE.

“Houston, 14th May, 1716.

“Actor Pr F : the defers present denyes the Complaint. The Judge admits the Complaint to probation.”

SENTENCE.

“The pror ffis condescends pr testes. Alexr Alexr present to purge contumacie. Wm. Bartholomew in Elderslie and Wm. Bartholomew in Newtown being absent, are fyned in Ten pound of Contumacie each, and ordains them to be cited of new.

“RO: SEMPILL, Sheriff Dept.”

Custom-House Officer Mobbed by Women, in Port-Glasgow, 1717.



THE Records of the Sheriff Court of Renfrewshire reveal to us the frequency of the attempts made throughout the eighteenth century, by fraud or violence, to avoid payment of custom duties on imported spirits. The inhabitants of the towns and villages along the West Coast, and in an especial manner the female inhabitants of Port-Glasgow

were conspicuously active in their support of those who were guilty of such lawless conduct. In the case we now notice, there was the usual mob of women, who successfully obstructed the Custom-house officers, and actually carried off one of them, until the contraband cask of spirits was put beyond their reach. The contraband traffic was not confined to Port-Glasgow, but was followed from the Heads of Ayr to Glasgow; and was carried on, even at the beginning of the present century, to such an extent, and gave occasion to so many conflicts between the smugglers and the revenue officers, that the lives of the latter were frequently endangered, and in one instance that we have noticed in a former number, one of them was murdered in an affray with the smugglers near Largs.

On the 9th day of July, 1717, Robert Cochran, land surveyor of His Majesty's customs at Port-Glasgow, having, with some other officers of the customs, made a seizure of several casks of brandy in the stable of William Stirrat, merchant in Newark, and duly taken possession of them as contraband goods in name and for behoof of His Majesty, a mob of women laid hold of Mr. Cochran and violently carried him off, and "a Breach having been made in the wall of the Stable, one of the casks of brandy was taken out and carried away on a carriage or barrow" by Stirrat and John Taylour, cooper in Port-Glasgow, or by others, with their assistance. In all such cases the populace, and especially females of low character, made common cause with the smugglers, and in this instance the women actually seized and carried off Mr. Cochran, the leader of the Custom-house officers, and enabled the mob—who were instigated and assisted by Stirrat and Taylor—to effect the removal of one of the seized casks of brandy, in contravention of the revenue laws.

For this offence, Mr. Cochran and Charles Simpson, Procurator Fiscal of Court, raised a complaint before the Sheriff against Stirrat and Taylor, who, on the 19th July, appeared "and purged themselves of the contumacie of absence." And the complaint being found relevant, proof of it was allowed and at once led; and the Sheriff, of same date, "found it proven that there was a cask of liquor seized by Mr. Cochran in William Stirrat's stable the tyme lybelled; and found it also proven that there was a breach in the wall of the stable wher it was supposed the cask was carried out; and finds it also proven that the Defenders, William Stewart and John Taylour, did assist to carry away a cask of liquor from

“ ye yeard wher William Stirrat’s stable is built, the same night, and
 “ lodged the same in the house of Katharine Proudie ; and there-
 “ fore fined and amerced each of the sds William Stirrat and
 “ John Taylour in ye soume of Twenty Pounds Scots.” From the
 evidence recorded, the complaint was certainly not very clearly
 proven, and this may account for such a lenient sentence,—Sheriff
 Sempill not generally leaning to the side of mercy, for in cases,
 many of which we have noticed in former numbers, of much less
 importance (although not prosecuted under the revenue laws, in
 which the fines went to the Crown), he hesitated not to inflict very
 heavy and sometimes most oppressive fines.

The following is a copy of the complaint and Sheriff’s judg-
 ment :—

“ Complains Mr Robert Cochrane, Esqr., Land Surveyor of His Maties
 Customs at Port-Glasgow, and Charles Simpson, pror fiscall of the Sheriff Court
 of Renfrew, upon and against William Stirrat, merchant in Newark, and John
 Taylor, couper in Port-Glasgow, That where by the laws of this and all oyr well
 governed and civilised nations, the deforcing of any of his Maties officers whyle
 in the exercise of these office trusts and services in the excise parts of his Maties
 Customs committed to them, either on board any ship, upon water or upon
 land ; and whoever by themselves, or oysr in their names, of their command,
 resett, holding out assistance, and Ratihabition, do any fact or deed, directly or
 indirectly, by secret contrivance or connivance, wt any oyr person, tending to
 frustrat or disappoint his Matie and his officers of the Customs due to his
 Majesty, and of any seizure made by his Matics officers or officer off any unen-
 tered goods and liquor, Be and are crymes by law severely punishable, beside
 and attour reparation in the terms of the Lawes and Acts of Parliament made
 yranent : And it being of verity that the said Mr Robert Cochran having upon
 the nynth of July instant made ane seizure of certain Tobacco and some casks of
 Brandie or oyr spirits, wt some oyr of the custom house officers, in the Stable of
 the sd William Stirrat, and after the same was duly seized as unentered goods,
 and so possessed by them, true it is yt ane mob of women and oysr carried off
 the said Mr Cochran from the said seizure and stable where it was, and yrupon
 the said William Stirrat and John Taylor, upon Mr. Cochran’s being so forcibly
 carried away by the mobb, by themselves and others with them were seen carry-
 ing away the sd tobacco and casks of liquor, upon carriages or barrows, out off
 and from the sd stable, and the said seizure was carried away by their contrive-
 ance and assistance, and they are art and part yrof and were accessors yrto,
 which being proven they and each of ym ought be punished with the pains of
 Law, in terror of oysr to do the lyke.”

“ Port-Glasgow, 19 July, 1717.

“ Actor pr se, who instructs pursuers diligence. The defers present to purge
 contumacie, who deny the complaint.

“ The judge admitts the complaint to probation, with defence.”

“Pt.-Glasgow, 19 July, 1717.

“Haveing considered the relevencie of the complaint with the probation adduced for proveing prof: Finds it proven that ther was a Cask of liquor seased by Mr Cochran in Wm Stirrat’s stable the tyme lyballed, and finds it also proven that ther was a breach in the wall of the stable, wher it was supposed the Cask was caryed out: And finds it also proven that the defendars William Stirrat and Johu Taylor did assist to carry away a Cask of liquor from the yeard wher Wm Stirrat’s stable is built the same night, and lodge the same in the house of Kathrin Proudie: And therefor fynes and americiats each of the sds Wm Stirrat and John Taylor in the soume of Twenty pound Scots.

“RO: SEMPILL, Sheriff-Dept.”

Reprehensible Assaulting of a Dancing Master in Port-Glasgow, 1720.



WE learn from the annexed criminal proceedings, that in 1720 the inhabitants of Port-Glasgow—of whose barbarous manners about that time we have published some striking examples in our *Selections from the Judicial Records of Renfrewshire*—had secured the services of Archibald Ferguson as a teacher of dancing, to instruct the youth of the Port in that civilising accomplishment; and he, “having taken one room from James Cooper, merchant, was there keeping his Public School and exercising his Employ,” when George Ronald and Richard Ronald, boatmen, and Alexander Miller, cooper, came in upon him at the time of the public dancing and gave him a specimen of the manners of the Port, by proceeding to fill the schoolroom with planks and timber, and, on his remonstrating, seizing him by his cravat, drawing the same to strangle him, and attacking him with batons concealed under their coats, and striking him with “ane great Battoun,” and by this and other outrageous conduct causing such a row as to make it necessary to shut up the school, thus depriving the youth of Port-Glasgow of their tuition in “dancing and deportment,” of which, and other civilising instruction, they stood so much in need. For this assault and violence the dancing-master sought redress from the Sheriff, and, with the concurrence of the Fiscal, raised a criminal libel against the Ronalds and Miller, setting forth that “the maltreating and disturbing of any free liegge,

more especially those in public station for instruction of youth, which is highly aggravated when done within their ordinar place of residence or school, as also the invading and beating of such with invasive weapons, are crymes by law severely punishable," and thereafter narrating the manner in which this "highly aggravated and public offence, ryot, and deed of violence and oppression" was committed, craving that, "in terror of oysr, ye defenders" should be punished in their persons and goods. The Sheriff found the libel relevant, and allowed the complainers a proof, and, on considering the evidence, found the libel clearly proven, and fined each of the defenders in the sum of one hundred pounds Scots, and granted warrant for their imprisonment until payments. These fines of £8 6s. 8d. sterling imposed on each of two boatmen and a cooper were, looking at the evidence led and taking the then value of money into consideration, very severe, and—the term of imprisonment failing payment being unlimited—the punishment was quite oppressive.

The following are copies of the criminal libel and Sheriff's sentence :—

"Complains Mr. Archibald Ferguson, Dancing Master in Port-Glasgow, and the Pror fiscall of Court for his interest, upon and against George Ronald, boatman in Port-Glasgow, Richard Ronald, his son there, and Alexander Miller, couper there, That where the mollesting and disturbing of any Free Leidge, more especially those in publick station for Instruction of Youth, which is highly Aggravated when done within their ordinar place of Residence or schooll, as also the Invading and beating of such with Invasive weapons, are Crymes by Law severly punishable: Notwithstanding whereof, it is of verity that, upon Tuesday the Eight instant, or on any oyr the by past dayes of the sd moneth, the sd Complr havinge ane Room taken From James Couper, mert in Port-Glasgow, where he Keeped his publick Schooll and exercised his Employ, and the said Archibald Ronald, disturbing him by putting into and filling his room with planks and timber, which the Complr objecting, he upraidit him with threatning words, and thereafter he, the sd Richard and Alexr. Miller, came to the sd Room where the Complr was at the tyme, and attacqed him within the sd Room, where the sd Alexr. Miller griped him by the gravat and tore the same by straitning and drawing the same about his neck, yrby designing to strangle him, and yrafter a second tyme the said defrs that same day came in ane hostile manner, with Battons concealed under there coats, and Attackqd and Invaudit the Complr within the sd Room at the tyme of their publick danceing, and upbraidit him with menaces and threats, calling him ane damned Villan and Rascal, come out and they would thrash him, with many oyr opprobrious speeches, such as highland son of a bitch, and the like, and endeavoured all they could to get hold of the Complr to execut there barborous design upon him, but being prevented, they all of ym (after the Complr had disipat his schooll by reason of the forsd Attacqe, and Informing the Baillie of the town yrof) came, particularly the sd George

Ronald, to the Baillies shop, and threatned the Complr and all in Company, to come out and he would give them work for it, and the Complr coming to the street, the said Richard Rolland came with a great Batton and struck at Him, the sd Alexr. Miller standing by him for assistance, But were prevented of furdre exercise by the sd batton being taken from ym, Whereby the sds defers have committed ane high and publick offence, Ryot, and deed of violence and oppression, and so ought to be punished in their persons and Goods in terror of oysr, and to Repair the Complr as Law will."

" Paisley, 16 March, 1720.

" Haveing considered the lybell, with the relivancie yrof and probatione aduced, Finds the lybell clearly proven, and Therfor fynes and amerciats each of the defrs in One hundreth pound Scots, And to find sufficient cautione to keep the peace, And Ordaines ther persones to be imprisoned till the same sentence be performed.

" RO : SEMPILL, Sheriff-Dept."

Rowdyism in Port-Glasgow,

1720.



S a corollary to their merciless assault on the poor dancing master described in the preceding paper, we append an additional example or two of the rowdyism of the then inhabitants of "The Port," where great rudeness and barbarity, violence and bloodshed, with full accompaniment of choice Billingsgate, had unlimited sway, and the lower classes found excitement and amusement in deforcing the officers of the revenue, mobbing the Press Gang, and beating, bruising, and mutilating each other, and using such rhetorical phrases as are only heard in a seaport town or fish market.

In March, 1720, Robert Murdoch, cordiner in Port-Glasgow, and the Procurator Fiscal of Court, for his interest, raised a criminal libel before the Sheriff against Robert Boag, cordiner in Port-Glasgow, and William Stirrat, merchant there, from which we learn that Boag, "by way of hamesucken, fell upon Mary Sharp, the complainer's spouse, within her own house, and the complainer, hearing her cries of murder, went into the house to rescue and protect her, being surprised at Boag's action, when Stirrat in ane furious manner attacked the complainer, and drew him furth of his house, down several pair of steps into the street; and thereafter

the complainer's wife, civilly enquiring at Stirrat the cause of his so doing, he said he would send the Bougar to Hell, and she should go and seek him there; and, not satisfied with this, violently took possession of the yeard belonging to the complainer." For this outrageous conduct the complainer craved that the defenders should be punished in their persons and goods in time coming, and find caution to keep the complainer, Murdoch, skaitless in his person, goods, and possessions.

In the same month of March, same year, James Duncan, cordiner in Port-Glasgow, "having attended a meeting of Quarter Sessions of the Peace, where he was relieved of his office of constable, and Alexander Rankine, smith in Port-Glasgow, elected to his place, he when coming home in a peaceable manner, was on the high and public road attacked by William Hutchson, carrier, Kilmalcolm, John Semple, yor, mert yre, William Bryden, constable there, and the said Alexander Rankine, smith in Port-Glasgow, who were all riding on horseback, and he upon foot, when the said William Hutchson called to the rest to hold his horse until he put Duncan to eternity; and, having dismounted, fell upon him with ane great rung or batton, and beat him several times to the ground, cut his head with the batton to the effusion of his blood, and bruised him in several parts of his body, whereby he was so disabled that he had not wrought his ordinary work since nor yet is able to do. DURING WHICH TYME the said John Semple and William Bryden stood by and held the said William Hutchson's horse and never offered to relieve the complainer; and the sd Alexr. Rankine connived yrat at a little more distance, so all of them thereby become liable as accessories, art and part, of the foresaid cryme." For this assault, Duncan and the Procurator Fiscal for his interest, brought Hutchson, as principal, and Semple, Bryden, and Rankine, as accessories, before the Sheriff by criminal libel; and the defenders, having appeared before the Sheriff at a Court held at Port-Glasgow, on the 16th of March, and pleaded not guilty, proof of the libel, which was found relevant, was allowed; and thereafter, on considering the libel and proof, the Sheriff found the libel clearly proven, and fined each of the four defenders in the sum of fifty pounds Scots, and ordained them to keep the peace, and to remain in prison till performance. The fine thus imposed on each of the four accused parties was £50 Scots, or £4 3s. 4d. sterling, with imprisonment until payment, and until they found caution to keep the peace.

The sentence was probably made thus severe because Bryden was a constable, and Rankine, on the day of the assault, had also been elected a constable, and that they and Semple should have interfered to prevent, instead of assisting, Hutchson to assault Duncan.

The following is a copy of the last above mentioned criminal libel and sentence of the Sheriff:—

“Complains James Duncan, Cordiner in Port-Glasgow, and the pror fiscall of Court, for his interest, Upon and against William Hutchson, carrier in Killmalcolm, John Semple, yor, mert yre, William Bryden, constable there, and Alexander Rankine, Smith in Port-Glasgow, That where By the Laws of this and all oyr Civelized nations the attacqeing of any of his maties free Leidges in his maties high way and publick Road, beating and abusing off ym, are Crymes punishable, as also all Accessories, Aiders, and assisters of such offenders and offences, are also punishable as being art and part thereof in the same degree with the pmcile actor, And it Being of Verity that Upon tuesday, the first of March instant, being ane Quarter Session of the Justices of peace within this Shyre, where the said James Duncan was Relieved of his Constableness; and the sd Alexr. Rankine elected in his Room and place, And the sd James Duncan Comeing home in ane peaceable manner, in the high and publick Road and way, was attacked by the sds Hail defenders Ryding on horse back, and he upon foot, when the sd Wm Hutchson Called to the rest to hold his horse untill he put the sd Jas Duncan to eternity, who accordingly dismounted & fell upon him with one great Rung or batton, and beat him several times to the ground, Cutt him on the head with the sd Batton to the effusion of his blood, and bruised him in several oyer parts of his Body, whereby he is so disabled that heath not wrought his ordinary work since, nor yett is able to do. During which tyme, the sd John Semple and William Bryden stood By and held the sd Wm Hutchson’s horse, and never offered to Rescue the Complr, and the sd Alexr Rankine Connived yrwith at a Litle more distance, and so all of ym yrby become Lyable as Accessories, art and part, of the forsd Cryme, and therefore the sd pmcile offender and them ought to be punished in their persons, and fynyed in fifty pound Scots each, attour repairing the party injured, and paying his expenses as your Lop: shall modifie, and be ordained to Find caution to keep the peace and the Complr scathless in tyme comeing.”

“Pt-Glasgow, 16 March, 1720.

“Haveing considered the relevancie of the complaint, with the probatne adduced, Finds it clearly proven that the defr, Hutchson, attacked the complr on the heigh way, and that Hutchson beat forsd, And that ther was blood seen upon the complr, and therefore Finds and Amerciates the defers in the Soume of Fifty pounds Scots, and find caution to Keep the peace, And to remaine in prisson till performance.

“RO: SEMPILL, Sheriff-dept.”

Outfit and Tocher of a Farmer's Daughter, 1724.



AT the beginning of the eighteenth century, by the common law of Scotland, on the dissolution of a marriage within a year and day, by the death of the wife, without issue of the marriage, the surviving husband was bound to restore, to the nearest of kin of the deceased, the paraphernalia, tocher, and other personal estate brought with her at the marriage. In Scotland at that time, and long afterwards, in every class of society, there was provided, in anticipation of the marriage of the members of the family, stores of blankets, linen sheets, and home-made woollen cloth, made from wool and flax spun by the females of the family ; and on occasion of the marriage of a daughter, these and a suitable tocher invariably went with her to the home of her husband. The Judicial Records afford curious information regarding this custom, in the causes brought before the Sheriff by the wife's nearest of kin, for restitution of her paraphernalia, plenishing, and tocher, when the marriage was dissolved by her death within a year and day, without issue. Of several of these cases we have already taken notice, but as they greatly vary, and all throw light on the marriage customs of Scotland in olden times, we report one more of them as the text of our present notes.

In the year 1724, John Lindsay, tenant in Langach, courted and won for his bride Mary Cochran, daughter of Alexander Cochran, in Knaps ; and about the Lammas time they were married, and, according to the custom in families such as that of the Cochrans, the never-failing large family chests which had been well plenished, were, on the occasion of Mary Cochran's marriage, unlocked, and from their stores and other sources she carried home with her, on her marriage, to her new home an outfit stated to have been as follows, viz.:—

- “ Her paraphernalia and body clothes, linens, and others, to the value of three hundred merks Scots.
- Three secks, worth £4 10s. Scots.
- Ane smoothing iron, worth half a crown.
- Ane dove, worth sixpence sterling.
- Three foulds, worth 15s. Scots.
- Two dozen of horn spoons, worth 6s. sterling.

Eight stone of lint, worth £10 Scots.

Other goods and gear to the value of 100 merks Scots.

And in Cash from her Father, £12 12s. Scots ; and of her own, £100 Scots."

The paraphernalia and articles enumerated were of considerable value, and, along with the cash, made a respectable outfit for Miss Cochran, and, had she lived, might have conduced much to the happiness and prosperity of her husband as well as of herself. But Lindsay was not destined to enjoy for any lengthened period the possession of his young bride or her fortune, for in the month of April following the marriage, she died, and, unfortunately for him, without issue. Thus by law he became bound to make restitution to the Cochrans of all that his wife had brought with her, and they, having got the power, soon asserted their legal right, and even made such an unfeelingly hard reckoning with Lindsay as to include in their claim the price of the dove, 6d. sterling ; and of the three fowls, 15s. Scots, or 15d. sterling. Nor did the Cochrans give their relative any indulgence in regard to time for restitution, for, in the month of June, Alexander Cochran, the father, and James Cochran and John Cochran, the brothers of Mary Cochran, as her nearest of kin, raised an action before the Sheriff to make good their claim to restitution. The law and the claim being indisputable, the Sheriff decerned against Lindsay for restitution as craved, within eight days.

There were few things that were more interesting to, or so excited the liberality of, a Scotch family, as the decent off-putting of a female member of it at her marriage. Provision was carefully made for such contingencies for years beforehand ; and any exhibition of niggardliness on such an occasion would have brought down on a family not only the censure of their neighbours, but made them, as it were, lose caste. This produced emulation and rivalry in carrying out an established custom, and the paraphernalia and plenishing were on all such occasions publicly exhibited to relatives and neighbours, and excited curiosity and often envy ; and to see the cart loaded and passing along with the outfit was a sight that the neighbours greatly enjoyed, and which furnished to them abundant and most interesting materials for gossip and criticism. We may suppose that Mary Cochran's outfit and tocher was such as was usual in families in her father's position, that of a tenant of a small farm or mailling ; and what was brought home by her—in the great scarcity and high value of money in 1724—must have been of great

importance to the bridegroom ; and the loss of it by the unfortunate death of his wife within a year and day of the marriage would add additional pangs to his sorrow already sufficiently great, when he was inexorably called upon to account for and restore to her relatives what he must have calculated to be inalienably his own, to say nothing of the breaking up of the new family connection which he had just formed, and from which, as a young farmer, he might have reason to expect to derive many advantages.

The following is a copy of the proceedings, at the instance of Alexander Cochran and his sons, against Lindsay :—

“ Alexander, Earle of Eglington, &c.

“ Forasmuch as it is humbly meant and shown to us by our Lovits, Alexander Cochran in knaps, with consent and concurrence of James Cochran there, John Cochran in Thriplie, and Alexr. Cochran in Craigans, denistoun, his sons, for themselves and their interests, upon and against John Lindsay in Langach, in manner underwritten, that whereby the laws of this kingdom and daily practice thereof, where Marriage desolveth by the death of either partie within year and day of the Marriage, all things given in such matrimony, or on account of the marriage with any partie, doth return to the same condition as before the marriage, and the survivor is lyable in restitution thereof : And it being true and of verty that Mary Cochran, daughter to the said Allexander Cochran, was married upon the said John Lindsay at or near about Lambass last, and died in and about Aprile last without any children of the marriage, whereby the said marriage did desolve, and the said John Lindsay became obliged to restore all things he got with his wife or she brought with her to the said Allexander Cochran, her father, and the other pursuers, her brethren, and to put everything in the same condition as it was before the marriage, and she haven taken with her the goods and gear following, viz., her Paraphernals and body cloathes, linens, and others, to the value of three hundredth merks Scots : Item, three Secks (for beds) worth four pound ten shilling, ane smoothing Iron worth half ane croun, ane dove worth six pence, three kane fowls worth fifteen shilling Scots, tuo dozen of horn spoons worth six shilling sterling, eight stone of lint, whereof the greatest part was heckled, worth ten pound Scots per stone all over head : Item, other goods and gear to the value of ane hundred merks Scots money : As also she took with her or received the time of the marriage from her father and otherwise the sum of twelve pound twelve shilling Scots, and had pertaining and belonging to her ane hundred pound Scots in money due and addebted to her : All which doth by the dissolution of the said marriage return by Law to the complainers, as her father and nearest friends and relations : Yet notwithstanding thereof the said defender doth most wrongously and unjustly refuse to restore the saids goods or make any just compt reckoning and payment thereof, albeit he hath been several times desired and required so to do, and that unless he be compelled : Herefore it is our will ye lawfully summon, warn, and charge the said defer, personally or at his dwelling place, to compare before us and our deputs within the Tolbooth of Paisley, the

days of June instant, in the hour of

cause, to answer at the instance of the saids complainers in manner and to the effect foresaid, that is to say, to hear and see the premises verified and proven, and being so verified and proven, to hear and see himself decerned in manner above written, or else to alledge ane reasonable cause in the contrary, according to justice, as ye will be answerable by this our present, given and subscribed by our Clerk of court, at Paisley the
day of June, 1724 years."

" Paisley, 25 June, 1724.

"Haveing considered the Lyball, with defrs replyes and duplyes, Repells the defences, and finds the Lyball relevant for restitution of the defunct's paraphernalia or body cloathes and over goods, gear, or Lyeing money and oyers Lyballed as were Left with the defer or was in his custody the tyme of the defunct's decease, and admitts the same to the pursuers probatne.

"RO. SEMPILL, Sheriff Dept."

" Paisley, 18 August, 1724.

"Haveing considered the lyball and relevance yrof, with the defers deposition taken for proving the same, finds the lyball clearly proven, and therefor decerns in the terms of the samen, reserving eight days for delivery.

"RO. SEMPILL, Sheriff Dept."

Clandestine Marriage—Its Penalties in 1731.

THE frequent criminal prosecutions for irregular marriage, about the beginning of last century, were instigated, no doubt, by the Kirk Sessions, whose horror of all interference with their ecclesiastical rights led them to seek for the enforcement of statutes enacted by the Scottish Estates of Parliament at a time when the Dignitaries of the Church dominated its legislation, and sought by the terrors of the civil law to secure obedience to Church rule. In 1731 the Procurator Fiscal of the Sheriff Court of the County instituted criminal proceedings under the 34th Act of the first session of the first Parliament of King Charles the Second, against John King, maltman in Paisley, for marrying otherwise than under sanction and by the aid of the Church. Mr. King, who was a respectable merchant in Paisley, as is proved by his very extensive dealings in malt, was, from his position, likely to afford to the "Fisck," who prosecuted for his own rather than "the public interest," a good fine for his transgression of an iniquitous law, and therefore was pounced upon within the honeymoon for daring irregularly, and without ecclesiastical sanction,

to marry Miss Ann Robertson, and cruelly sentenced to imprisonment for three months, besides being subjected in the statutory penalty. This penalty was, for a gentleman, five hundred pounds ; but Mr. King, sinking his pride to save his pocket, prudently repudiated, for the time being, the right of the Fiscal to designate him gentleman, and thereby to exact from him the larger penalty, and he was, as belonging to a lower class, fined in one hundred merks Scots. During the period of Mr. Claud Simpson's occupation of the office of Sheriff-Substitute, after the death of Sheriff-Depute Sempill, cases of this class were, in all parts of the County, of frequent occurrence, which can only be explained by the supposition that they were very profitable to the authorities. But the miseries of an unfortunate benedict did not end with imprisonment and fine, for he had still ecclesiastical censure to meet, and had to undergo such penance as was then imposed by the kirk for anticipating, or rather contumaciously dispensing with, the sanction of the Church to his marriage. The many persecuting laws, passed by a subservient Parliament during the reign of Charles I. and II. and James VII., are now nearly all swept from the Statute Book or have become obsolete. Nowadays a young married couple can enjoy their honeymoon without dread of being separated by imprisonment of the husband for three months, or punished by excessive penalties ; and it will be generally allowed that the more merciful view now taken of irregular marriages is not less likely to have a good moral effect than the stern and merciless course taken in the olden time to please the Church, and, at same time, replenish the pocket of the Fiscal, who, as well as the Sheriff, had to seek for remuneration from such sources for their official labours, and were thus led to oppress the lieges.

The following is a copy of the proceedings against Mr. King and his spouse, Miss Ann Robertson :—

“ Complains the pror Fiskall of Court upon and agt John King, maltman in Pasley, and Ann Robertson, his spouse, That where by the 34th Act of the first sess of the first parliament of King Charles the Second, persons marrying clandestinely or irregularly are to be imprisoned for three months, and beside to pay, the Nobleman ane thousand pounds, the Gentleman and Burgess five hundred pounds, and each oyr person one hundred merks, and to remain in prison while they pay their fynes : and the prosecution of these pennaltys is by law competent to every pror Fiskall. Notwithstanding thereof it is of verity that the saids defenders, within these fourteen days bygone or thereby, were married in ane clandestine or irregular way, without pro-

clamation of Banns : and therefor the said John King, as ane Gentleman Burgess, ought to be unlauded in terms of the saids Laws."

" Pasley, 28th Septer, 1731.

" The Deft John King, present, judicially acknowledges the Lybell, but refuses that he is a Gentleman or Burges.

" JOHN KING."

" In respect whereof, the Judge decerns him in one hundred merks fyne, and imprisonment in terms of the foresaid Law.

" CLAUD SIMPSONE, Sheriff Subt."

Rough Treatment of a Fellow Tradesman, 1745.



HE criminal libel we append to this number will give our readers an idea of the outrageous manners for which, even at a period near the middle of the eighteenth century, the inhabitants of our county were somewhat notorious, and which so often gave employment to the Procurator Fiscal of our county courts. The change to improved manners and diminution of crime, which, further on in the century, began to be remarked, and ultimately influenced the character and number of the offences brought under the cognizance of the authorities, had not, even at that date, become perceptible ; and, indeed, until the administration of the law was confided to Sheriffs appointed and paid by the Crown, and responsible for the prevention of crime and offences and for the proper execution of the criminal laws, there was little change to indicate improved manners, or show a decreased tendency to violence and outrage among the people.

The criminal libel now referred to was raised by John Tweedall, mason in Paisley, and the Procurator Fiscal of Court for his interest, against William Hart, mason in Paisley, and Andrew Robertson, quarrier there ; from which it appears that Tweedall, having left some tools in a quarry at Gallow-Green Craig when working there, and having gone there to get them, or, in his own words, " to seek his own, the defenders fell out in a passion and quarrelled with him, calling him a knave and a villain, and Robertson jostled and dang Tweedall down to the bottom of the quarry hole, which was filled

with water, and puddled, and threw him down therein, and, having a quarry mell in his hand, held the same above Tweedall's head, and swore he would make him so that he should not stir, and gave him several strokes with his fists on the head, and with a rung or stick gave him a stroke upon his side or belly, and otherwise maltreated and abused him." For which assault and violence the complainers craved that Hart should be decerned to "compear in judgement and reponc the complainer to his good name, by acknowledging his fault and saying false tongue he lied, and to pay him forty shillings sterling in name of assythment, and that the defender Robertson should be decerned to pay the complainer the like sum of forty shillings sterling in name of assythment and costs of suite, and be unlauded in like sums to the Fiscal." The libel also craved decerniture against Hart and Robertson for £3 10s., the price of his tools, and ten shillings damages.

The Sheriff found the criminal libel relevant, and, on the oath of the complainer, Tweedall, decerned against the defenders in terms of the conclusions thereof.

The following is a copy of this curious specimen of a criminal libel in 1745:—

"I, John Tweedall, mason in Paisley, and the pror fiscal of Court for his interest, Complain upon and against William Hart, mason in Paisley, and Andrew Robertson, quarrier there. That where the sd John Tweddall, Complr, Haveing two Shovells and a quarry mell Belonging to him, wherewith the sds Defenders (att least the sd Andrew Robertson) were working and making use of In the Gallow green Craig, And he, the Complr, Having about twenty days agoe or yrby gone to the sd Craig To bring home his sd Shovells and Mell. True it is that the Defenders (Because the Complr was seeking his own) ffell out in a passion and Quarrelling with him, and the said Deifr William Hart sayd that the Complr, John Tweddall, was a knave and villan. And the said Andrew Robertson forcibly Justled and Dang the Complr down to the bottom of the Craig holl, which was swimming with water, and puddled, and threw him down therein, And having a quarry mell in his hand, Held the same above his head and swore by all that was good that he would make him he should not stir, And gave him severall stroaks with his fist upon the head or other parts of his body, And with a Rung or Stick Gave the Complr a stroak upon the side or belly, And otherwise maltreated and abused the Complr, which being proven, The sd defender William Hart ought to be decerned to Compear In Judgment And Reponc the Complr to his good name by acknowledging his fault, and saying false toung he lyed, And to pay him fourty shillings Str In name of Assythment and Costs of Suite, and the sd deifr Andrew Robertson be decerned to pay the Complr the lyke soum of fourty shillings Str In name of Assythment and Costs of Suite, And to find Caution of Lawburrows, And be unlauded in the lyke soum to the fysk. As also the sd defender, Andrew Robertson, about five weeks agoe or

yrby, Bought from me, the sd John Twedall, Certain Quarry Instruments, viz., two quarry mells, three Gavelocks, five picks, and thritty-five Wedges, All of them Iron, at Three pound Str pryce, Upon the condition that I was still to be bound But the sd Andrew was to be free till the next day or night after the bargane, And the sd quarry Instruments were delyvered to him, Att least he was in possession yrof, And the next night following the bargan The sd Andrew came to me and told me that he would not hold the bargane, And yet most wrongeously Refuses to Delyver me the forsd Quarry Instruments, Albeit I have diverse tymes Desyred and required to doe the same. And therefor the sd Andrew Robertson ought to be Decerned to Delyver to me the forsd Quarry Instruments In as sufficient a condition as he received them, or pay me Three pound ten shillings Str as the worth and value of them (and to be optionall to me which of the two of the sd alternatives I shall please to accept of) And ought to have my oath in litem allowed me as to the value of the sd quarry Instruments in terms of law, and to pay furdur to me ten shillings Str In name of Damadges for want of the sd Quarry Instruments (He having made use of them since) and Expenses of this persute, According to Justice."

" Paisley, 2 Augst, 1745.

"Having considered the complaint and answers, sustains the severall articles Relevant, and admits the same to probation.

(Signed)

"HENRY MAXWELL."

" Paisley, 13 Augst, 1745.

"The pursuer present, sworn, and examined, Depones affirmative, and this is true as he shall ansr to God.

(Signed)

"JOHN TWEDALL."

"In respect yrof Decerns.

(Signed)

"HENRY MAXWELL."

Infliction of Personal Chastisement by a Paisley Merchant, 1749.



AN example of the danger of taking the law into one's own hand, even in redress of an annoying and irritating grievance, is illustrated in the following case where Robert Corse, merchant at Walneock of Paisley, was sued by Archibald Livingston, apprentice weaver, and the Pror Fiscal of Court for his interest, for an assault upon the former with a whip while at his lawful employment on his master's premises. Livingston probably enough was troubled with that sin of apprentices that was frequently, in the olden time, favoured with an application

of "hazel-oil." He had—according to Mr. Corse—with other idle and turbulent companions, been in the habit of lounging about Mr. Corse's barn, and disturbing and diverting his servants from their work, and menacing and threatening them, when remonstrated with. Under consequent irritation, caused by this conduct, Mr. Corse entered the weaving shop, situated in his immediate neighbourhood, where Livingstone was employed, and chastised him personally, and afterwards struck him on the head with a whip on finding him at the door while passing. Whatever the amount of annoyance that may have been received by Mr. Corse, he was evidently wrong in allowing himself, while under considerable irritation of temper, to take the law into his own hands; and the ingenious pleadings of his agent in his behalf did not save him from the consequences.

The libel is drawn somewhat in the curiously quaint and circumstantial style long in use; but the proceedings following upon it were regular and strictly formal, and the conviction and the sentence of the Sheriff show that the position of the party accused had no influence in preventing the dispensation of justice. In the Information and Objections for the defender, after proof had been led, it will be remarked that no little emphasis is placed by the defender's agent on the relative positions of the private complainer and the accused—the one a "poor apprentice weaver," and the other "a merchant and one whose virtue and good management had made him a considerable heritor in the place."

The Sheriff-Substitute, Thomas Simpson, however, viewed the case somewhat differently from the defender's agent, and refused to recognise the fact of the defender having, "by virtue and good management, been made a considerable heritor," or the plea that the poverty of the complainer precluded him from seeking redress at law; and, the evidence being sufficient, he found the libel proven. The sentence of £2 Scots of damages or assythment to the complainer, with expenses of the prosecution and imprisonment till payment, was certainly not severe, but would nevertheless be very galling to "an heritor of position in the place where he lived;" and it is not surprising, therefore, to find that his agent intimated an appeal to the Court of Session, which, however, on reflection he did not carry out. The defender, it may be observed, was the ancestor and founder of the Corses of Greenlaw, a family of great respectability that long held a good position in Paisley; and the conviction,

although followed by a lenient sentence, would do more to prevent the recurrence of like offences than the numerous and oftentimes irregular and oppressive prosecutions so often instituted before the Heritable Sheriff-Principal of the County, professedly for "ye terror of ye oyr," but in reality for "the interest of the Fisk."

CRIMINAL LIBEL.

"Complain, Archbald Livistoun, Apprentice with William Thomson, Weaver at Walneock of Pasley, and the pror fiscal of Court for his Intrest, Upon and against Robert Corss, merchant at Walneock of Pasley : That upon Saturday morning, the Secound of December Instant, or upon one or other of the days of the moneths of November last, or December instant, the sd Compleaner Archbald Livistoun being Weaving on his looms in his said masters house, expecting no harm, true it is and of verity that the sd Robert Corss, Defender, came into the sd house in a great rage Enquireing for the said William Thomsons men : And being Bodden with a big whip, without any provocation gave the said Archbald Livistoun, Complr, five or six severall severe stroaks upon the head with the Body of the sd large whip, and not being satisfied with this, about half ane hour or ane hour thereafter the Complr Archbald Livistoun having occasion to goe to the door, the Defender passing by him gave him another stroak upon the head with the body of sd whip : By all which stroaks the Complr Archbald Livistoun was sorely hurt and contused in his head, and was heard severall tymes that day Complain of his head being sore by the stroaks he had got : And which Cryme is highly aggravat, as being a species of Hamesucken Committed upon the Complr in his master's house, where he has his bed and board night and day : And therfor the Defender ought & should be Decerned, Not only to make payment to the Complr Archbald Livistoun of the soum of Five pound sterling money in name of Assythment, Besides the Ex-pence of this persuit, and find sufficient caution of Lawburrows in terms of the act of parliament, But also in the sum of Thretty pound Scots money of fine to the fisk, in terror of others to Commit the lyke."

After a proof, the following "Information and Objections" were lodged in favour of the Defender. We give the document at length, as not only being the defender's version of the story, but as affording evidence of the habits of the idle and turbulent apprentices of the time.

"That the deffender, whose virtue and good management have made him a considerable Heretor in the place where he lives, as also of the house where the Complainer Livistoun is said to work, lying twixt the deffender's Dwelling house and his barn, met on many occasions with strong Instances of bad neighbourhood by the Complainer Livistoun, and the oyr servants of William Thomson, his associates, who are the witnesses adduced for proving the complaint.

"It will not be Improper to open to your Lop the Character of this pursuer Livistoun, and the deffender may safely say, That he & the rest of his Companions are a sett of the most Idle and Turbulent fellows that can be thought on ; who have for a long space bygone Entered into the deffender's Barn, where two

threshers & a redder were at work, Disturbed and diverted them from their work, in order that they might play at Cards ; and when reproved by the threshers, he, the Complr, and these who are so famous for their Zeal in this Cause in witnessing, menaced & threatened them, That the threshers were obliged to leave their work before their ordinary time of leaving their work, and left them with the Defender's servant, who was a redder, playing at cards with Candle light, till at length they were Endangered to work in the barn.

"In these circumstances, it was no wonder the defender, after all the arguments & methods used to prevent such practises, to no purpose, showed his displeasure by Correcting a little the extravagant follies and madness of the young man, with the small end of a whip (which neither have, nor were Intended to hurt) when admonition & reproofs were laughed at or despised. Had the Complr been a person advanced further in the world, and one of Substance or Character in life, The Defender's admonitions might have done wisht for effect, or a Court of Justice might have stopt his Career, but the Case is the reverse ; a person who has nothing to lose, therefore, his poverty may be considered as the protection of law, in which Cases persons of this stamp ought not to have the privilege of the laws equal to those who are of a blameless Character and advanced to riper years : nor ought to be Indulged to prosecute a Complaint of this nature so trivial in it self.

"Your Lop sees It was no more than a few whips, which had no bad effect. For not one of the witnesses, (who mostly are the Complainer's associates) say the Complr was Incapacitated from work thereby, Consequently, where does the damage appear, or, where is the foundation for assithment : he might say his head was sore, and, no wonder, Considering the enmity he bore at the defender, & in order that he might have a more plausible pretext for the present proces ; And the last of the witnesses says the hit with the whips was given the Complr on the shouldeour, and all the oyr's say on the head or shouldeours, which makes it Evident to your Lop that any Stroaks given were not violent, but moderate, and rather ad terrorem, than ad vindicationein, and, therefore, Its hoped your Lop will not suffer people of Character & station to be trod under by these of the most Idle & dissolute life, that the law, qch Curbs vice & Immorality, may not be made a protection but to those who are worthy of it, and therefore assoisie the defender.

"JAMES KIBBLE."

JUDGMENT.

"Paisley, 30 January, 1750.

"THOS. SIMPSON, Subst.

"The Complr present, and the Defr and his pror present.

"Having Considered the Complaint and Testimony of the witnesses adduced & Information for ye Defr, Finds it proven by the Testimonys of the witnesses That the Defr the Time Lybelled Gave the Complr, Archd Livingston, two or more stroaks with a whip when he was working in his Master, Willm. Thomson's House, and that at anoyr Time He hit ye sd Complr wt a whip when standing on the Backside of his Master's House, Therefore ordains ye sd Defr To Make payt To the Complr of the Sume of Seventeen shillings and Seven pence half penny sterling of Expenses, And of the Sume of Two pounds scots of Damage & Assythments, And ordains the Defr To be apprehended & Imprisoned while

payt of the above sums, And Decerns precepte accordingly to be issued by the Clerk, And Assoilzies the Defr from any fine to the pror fiscal.

“THO: SIMPSON, Subs.”

“The Defr protests against the Sentence and appeals to the Circuit.”

Amenities of Agricultural Life in Kilmaleolm, 1750.

IT is matter of remark that during the seventy years—1680 to 1750—the commission of crime was of frequent occurrence amongst all classes. It is somewhat surprising too, that—so far as the Judicial Records show—the agriculturalists were distinguishable as being the most frequent violators of the law, and this not only in personal brawls and bickerings, but in cases of assault and even positive thieving; and those who have perused our former volume will recollect various cases to which we have referred, of “pickering and pilfering,” as well of personal offences attended with brutal violence, for which tenants of lands and their sons and dependents were convicted and punished.

In 1680, and down to 1750, the being tenant of a mailing was not, as now, a test of respectability of character, intelligence, and good social position. Then there seems to have been little, if any, distinction between this class and the lower orders as regards civilisation. Ignorant, slothful, and unenterprising, according to Wilson, the farmer of that period sought not for profit or credit in the improvement of his land; and, as revealed to us by the proceedings in the courts of law, he was a regular attender at fairs and markets, rude, and boisterous, and quarrelsome in his conduct, much given to violence, remarkable for its being often inflicted by deadly weapons, and attended with great loss of blood and danger to life. Feuds among the tenants of neighbouring farms, possibly often occasioned by their land being unenclosed, and consequent encroachments, and from “pickering” of exposed farm produce, such as it then was, were frequent, and sometimes attended by deadly animosity and violence. But the farmers, like all others, were only feeling the

consequences and bearing the burden of the general misgovernment of the country, neglect of their interests as agriculturists by the Scotch Parliament, want of stimulus to exertion on the part of their landlords, and consequent poverty ; and that their manners should have been rude and uncivilised is not at all to be wondered at, or such as to excite surprise, when they are viewed in the light of other and better times, where agriculturists take a high position by actively promoting, by their capital, skill, and intelligence, the best interests of the country in the proper cultivation of the soil.

The case we now adduce is one that enables us to see something of the conduct of the agricultural class in this county in 1750 in their social relations. It is one of an unprovoked and cruel assault committed by the son of a farmer on a neighbour in his father's house, and, taken along with many others already published, leads us to draw unfavourable conclusions in regard to the character of the agricultural class at that period.

In the parish of Kilmalcolm, in 1750, Robert Miller was tenant of the Mailling of Mathernock, and one of his neighbours was Robert Greenlees, tenant in Wateryetts ; and on the 20th of February of that year, Mr. Greenlees, when peaceably sitting with some others in the house of Robert Miller, was "attacked, wounded, beat, and "blooded without any manner of provocation, by Miller's son, "Matthew, who resided with his father." The weapon used was "a large pair of iron tongs," and with the heaviest and largest end of them Matthew Miller "struck Greenlees on the head, severely cutting and wounding him, whereby a great quantity of blood flowed from the wound, which was large, and the cut rendering Greenlees extraordinary weak—and, notwithstanding his weak condition, Miller bade Greenlees be gone for a damned rascal, or else he would give him as much more." This specimen of the amenities of life and social friendly intercourse between tenants in Kilmalcolm attracted the notice of the authorities of the county, and Matthew Miller was charged with the assault in a criminal libel at the instance of Greenlees, with concurrence of Alexander Skeoch, Procurator Fiscal of Court, for his interest ; and for his offence the complainers craved that Miller should, 1st, be ordained to make payment to Greenlees of £60 Scots of damages and assythment, and of £30 Scots as the expenses of process ; 2d, to find caution to keep the peace towards Greenlees ; and, 3d, that he should be fined in £50 to the Fiscal. The defender failed to appear, but, although this was a criminal

prosecution, the Sheriff in his absence allowed a proof, and thereafter pronounced the following judgment :—

“ Paisley, 6 March, 1750.

“ Thomas Simpson, Sheriff-Substitute. Alexr. Skeoch for complainers, gives in an account of expenses. The defender absent.

“ Having considered the Lybell, with the testimonies of the witnesses adduced for the complainer and ye Fiscall, with ye defender failzing to compear this day and enact caution in terms of the last interlocutor: Finds proven, by the testimonies of the witnesses, that the defender, Matthew Miller, the time lyd, gave the complr, Robert Greenlees, a stroak on the head with ane pair of iron tongs, and thereby cutt and bled the complr. And finds it also proven that the defender at the said time called the said complainer a damned villain. Therefore ordain the said defr to make payment to the said complr of One Pound one shilling and one halfpenny Sterling of expense of process, and of Twenty-five Pounds Scots of damages and assythment ; and fines and americiats the said defender in the sum of Twenty Pounds Scots to the Procurator Fiscall for the cryme ; and ordains the Clerk to issue out precept for apprehending and imprisoning the said defender till payment of the fyne to the Fiscal, and also till the defender find caution of lawburrows, in terms of law ; and also decerns against the defender for the extract.

“ THOS. SIMPSON, Subst.”

Trade Combinations in 1773.



THE weavers of Paisley and the neighbouring villages, where hand-loom weaving is still prosecuted, have, in recent times, with the laudable intention of securing a fair remuneration for their labour, been frequently engaged in devising measures for the accomplishment of this desirable object. Their forefathers a century ago were, it would seem, similarly occupied ; and, although less experienced in forming combinations, preparing tables of prices of weaving, and devising means to influence their employers to accept them than the workmen of the present day, yet their movements in many respects were the same as those now resorted to, showing that they, equally with their successors, were ignorant of the principles of political and economic science, then just promulgated by Adam Smith, which must and ever will regulate the price of labour. The abolition of the Combination Laws, and the legal sanction consequently given to unions for trade objects, and to the right of unionists to use means, previously

proscribed and severely punishable, for their attainment, and indeed to adopt any mode short of the use of intimidation or violence, gives the operatives of our time a great advantage over their predecessors, who, a century ago, could not legally combine to protect the interests of labour against capital, despite its being then as now alleged that the latter is oftentimes used to realise wealth or profit without a fair and equitable consideration for the labourer who produces it. Thus we find that history repeats itself; for in 1773 the weavers were engaged in a struggle about the prices of weaving, attended by combinations and the use of means to compel the manufacturers to adopt a table, prepared by a committee of combined weavers, which were carried to such a length by the use of violence and intimidation, as to force the manufacturers to seek the protection of the legal authorities of the county.

The chief manufactures of Paisley in 1773 were silk, and, though less extensively, linen; the population of the town and several of the villages in the county being employed in weaving these fabrics. The wages then earned ranged from ten shillings to twenty-five shillings a week, according to the skill and diligence of the weaver. This wage, a century ago, was, from the then value of money, equal to a much higher one in our day, and had not varied for a number of years. But depression in trade, or, possibly, competition, the number of manufacturers having then greatly increased, caused an attempt to be made by the latter to reduce the cost of production. This was, of course, unsatisfactory to the weavers, who, not being aware of any necessity for the reduction, refused to accept it, and resorted to combination, violence, and intimidation, to maintain the existing prices.

Among the County Records we find a "Precognition—The Procurator Fiscal against the Weavers in Paisley, August, 1773." This precognition was the result of the demand for protection by the manufacturers against the combined weavers and their unlawful and violent interference with unassociated weavers willing to work. The precognition was taken at great length, and occupied Sheriff-Substitute Snodgrass and Mr. James Wilson, Pror. Fiscal, several days, between the 9th and 28th August. It throws considerable light upon the history of this combination, and the contest between the combined weavers and their employers, and is in many respects curious and interesting. It gives the names of the principal silk manufacturers, and many of the weavers, both combined and un-

associated, and reveals the modes resorted to by the weavers when the common law and statutory enactments were in force, presenting obstacles no longer existing to combination on the part of the working man.

As the result of the precognition, a petition was presented by James Wilson, Procurator Fiscal of the Sheriff Court of Renfrewshire, to John Snodgrass, the Sheriff-Substitute, accusing John Murray, weaver in Paisley, of being guilty of combining with others for the purpose of maintaining the then existing rate of weaving of silk webs, and of guarding manufacturers' houses, and using intimidation with that object; and on a warrant of the Sheriff, Murray was apprehended and committed to prison, and being thereafter examined before the Sheriff, emitted the following declaration :—

“At Paisley, the twenty-fifth day of August, seventeen hundred and seventy-three years.

“In presence of Mr. John Snodgrass, Sheriff-Substitute of the Shire of Renfrew: Compeared John Murray, weaver in Paisley, and present prisoner within the Tolbooth of Paisley, who, being examined, declares negative to his being concerned in any of the combinations of the weavers, or in guarding of any of the manufacturers' houses, and this he declares to be truth.

(Signed) “JOHN MURRAY.”

We publish the substance of the precognition. It does not appear that any further prosecution of any of the weavers followed; and, indeed, the evidence of action having been taken by the committee of combined weavers is little else than hearsay, although violence and intimidation are clearly established. Not being able to strike at the ringleaders, the authorities probably thought it unnecessary to prosecute other less important parties implicated in the outrages. To show, however, the thoroughness of the investigation, we append the names of the manufacturers, weavers, and others recognised :—

James Stevenson, silk manufacturer in Paisley.
 Andrew Brown, weaver there.
 John Corse, merchant, Wallneuk, there.
 Thomas Goadsby, merchant in Paisley.
 John Loundes, manufacturer there.
 Andrew Gemmill, foreman to Joseph Holmes, silk manufacturer in Paisley.
 John Orr, manufacturer there.
 Wm. Fulton, merchant at Maxwellton.
 John Pollock, silk manufacturer, Maxwellton, partner of W. Fulton & Sons.
 Robert Fulton, silk manufacturer, Maxwellton.
 Thomas King, weaver, Barrhead.

Daniel Graham, apprentice to King.
 William Dunn, innkeeper in Paisley.
 William Adam, weaver there.
 James Gardner, post between Glasgow and Paisley.
 Thomas Sproull, wright in Gallowgreen, Paisley.
 Margaret Rodger, wife of Hugh Fernie, Pollokshaws.
 John Pedine, writer in Paisley.
 James Gibson, writer there.
 Lorrain Wilson, manufacturer, Paisley.
 James Wilson, weaver in Paisley.
 John Buchanan.
 Robert Corse, junior, merchant, Wallneuk, Paisley.
 John Christie, merchant, Paisley.
 John Barr, weaver there.
 Robert Boyd, weaver there.
 Hugh Niven, weaver, Wallneuk.
 John Turner, journeyman printer with Alexander Weir and Andrew
 M,Lean, printers, Paisley.
 William Gibson, weaver.
 James Lyal, weaver.
 Archibald Campbell, apprentice to David Boyle, weaver, Dalry.
 Ann Davidson, spouse of Thomas Sproull, wright, Gallowgreen.
 Allan Caldwell, weaver at Maxwelton.
 Jas. Lang, weaver there.
 Thomas Boyd, weaver in Paisley.
 John Barr, weaver there.
 Thomas Sproull, wright, Gallowgreen.
 James Robertson, weaver, Maxwelton.
 Hugh Niven, weaver, Wallneuk.
 Robert Boyd, weaver, Paisley.
 Thomas Boyd, weaver, Paisley.
 John Barr, weaver in Paisley.

The following are portions of the substance of the precognition taken by the Procurator Fiscal :—

PRECOGNITION.

“ Paisley, 6th August, 1773.

“ Compeared *James Stevenson*, silk manufacturer in Paisley, aged thirty years, married, who, being examined, declares that upon the Saturday after the May Fair of Paisley the declarant gave to a woman, who is the Beith carrier, silk for making a web, with orders to deliver the same to *David Boll*, weaver in Dalry, who was to work the same : That in about an hour and a half after she had got the web, she returned with it and said that a number of weavers had come about her on the turnpike road, and from what had passed

she was afraid she durst not carry the web for fear of herself being hurt or her horse killed : That the declarant, having got her persuaded again to take away the web, she went out with it to the street, and the declarant, having looked out of his window, he saw a crowd of weavers to the number of about thirty, among whom was *William Gibson*, weaver in Sneddon of Paisley, whom he heard to say to the post, "You old jade, why do you come back with the web " again when we have brought you so far with it ; go back again " with it, and if he does not take it from you leave it in the close : " Declares that the only person the declarant knew among the said crowd was *Charles Cochran*, weaver in Paisley : Declares that for these seven or eight weeks past, there has been a guard of weavers at the declarant's house night and day, Sundays excepted, and when he asked them what they meant they said they were upon a walk of pleasure : Declares that one night about four weeks agoe, the declarant overheard one of the guard at his house say that he understood webs had been given out of the declarant's house, which he wondered at, considering how close it was guarded, to which another of them answered, "The devil guard him if we don't guard him this night," and the declarant knows that the above *William Gibson* and *William Wilson*, weavers in Paisley, were among the guard who spoke the above words, but he does not know by which of them the words were spoken : Declares that he knows the said weavers have a committee who meet once a week or oftener, as he is told to keep up the price of working, and he has been told that *Hugh Thomson*, weaver in Paisley, is preses of the committee : Declares that many of his weavers have told him that they would gladly take out work, but durst not for fear of the publick (as they called it), and he knows that many of his weavers, as well as other people's, have been in great straits, but durst not work for fear of the publick, and who have told him that they could not do it till once the manufacturers had signed an agreement to pay them by the old prices : Declares that he knows that many of the weavers have been begging money from different gentlemen and incorporations, which they say is to support weavers who have no work : Declares that he has tried of late several carriers to the west country if they would carry webs to the west country, but he found they durst not, and he knows that no webs have been got carried to the west country for some time past, except in a clandestine way : Declares that before the practice of keeping guard took place, he employed about forty weavers in

manufacturing silk goods, but since that time, and at present, has only about six or seven, but he would willingly employ at present from twenty to thirty and pay them as high as any other manufacturer: Declares that a number of his weavers have even refused to work at the old prices till once the whole manufacturers have signed an agreement to pay in time coming according to the old prices; and this he declares to be truth. (Signed) JAS. STIVENSON, HUGH KERR.

John Corse, merchant at Walneuk, of Paisley, aged twenty-one years, not married, who, being examined, declares that about three weeks agoe, a weaver's wife in Pollockshaws came to the declarant and coy.'s warehouse, and got linnen yarn to be wrought in a web by her husband, but she soon thereafter came back again, attended by *William Colquhoun* and *Hugh Killoch*, weavers in Paisley; and the said two weavers asked the declarant if he had given out the work at factory wages, to which the declarant answered that he was not accountable to them, and if they would not let her go he would take care of them, whereupon they said she might go about her business: Declares that the woman having again gone away with the yarn, about an hour thereafter returned with the yarn, and told the declarant that she was attacked by a number of weavers near the Hawkhead, which is about a mile from Paisley, and that they threw stones at her, and one man in ragged cloaths came up to her and threatened to cut her throat if she did not return, and she said she was thereupon obliged to return: Declares that *William Stewart*, one of the declarant's partners, was in the warehouse at that time: Declares that there has been a guard of weavers for this five or six weeks past constantly upon the declarant and coy.'s warehouse night and day except Sundays, and the declarant has observed that the guards always speak to the weavers immediately after they get out work from the warehouse; and this is truth. (Signed) JOHN CORSE, HUGH KERR.

Andrew Brown, weaver in Paisley, aged thirty years, married, who, being examined, declares that he saw a threatening letter directed to *David Boyle*, weaver in Dalry, but was not signed, desiring him and the other weavers in Dalry to give over working, for they were murderers of many poor families, and if they did not give over working they would be used as Bishop Sharp or Porteous, and they would suffer when they least thought of it, which letter had Paisley post mark upon it, and was shown to the declarant by

David Boyle: Declares that within these two months past the declarant was sending some warped silk for a web to Kilmarnock with *Alexander Vallance*, carter in Paisley, but the silk was brought back again to the declarant about eleven o'clock at night by *Alexander Vallance's* servant, who said that a number of weavers had gathered about his master's house, and threatened to burn his house and break his cart in pieces if he carried any webs out of the town: Declares that he knows for some time past guards of weavers have been constantly placed at all the entrys into the town, in order to hinder work from being carried out of the town; and, also, that guards have been placed at the manufacturers' houses in order to observe who got out work, and to persuade them not to work, and thinks the said guard have been kept about two months: Declares that he knows there is a committee, appointed by the weavers who refuse to work, for treating with the manufacturers about a bargain concerning the prices of work, and two of the said committee, viz., *Hugh Thomson* and *John Clark*, weavers in Paisley, came and spoke to the declarant, in name of the whole idle weavers, concerning the price of the work, and they insisted to have a regulation of the prices wrote upon stamped paper, and to be signed by all the manufacturers, which regulation they insisted should be observed in all time coming; but the declarant told them such an agreement would be impossible to be observed, because the prices must alter according to the demands for the different kinds of goods, and according to the weavers being accustomed with the work, for when a new kind of work is at first introduced the weaver must have high wages, as he cannot work so much of that work at first as he will do afterwards by practice: Declares that he knows the committee have begged money from different gentlemen and corporations, with which money they proposed to support the weavers that would not work untill the regulations would take place: Declares that he knows many familys in a straitened condition, and next to starving, in the town of Paisley, who would willingly work if they durst: Declares that he gave *John Brown*, a carrier (who is in use to carry goods to Stewarton and other places), some silk for a web to be wrought at Stewarton, and he brought the same back to the declarant, and told him that he was stopt by a party of weavers at the head of the Calsaside of Paisley, who persuaded him to bring it back, and gave him twopence so to do; and this he declares to be truth. Signed, ANDR. BROWN, HUGH KERR.

At Paisley, the sixteenth day of August, seventeen hundred and seventy-three years, in presence of Mr. John Snodgrass, Sheriff-Substitute of the shire of Renfrew :

Robert Boyd, weaver in Paisley, aged thirty years, not married, being examined, Declares that on Friday, the thirteenth day of August instant, when the declarant and *John Barr* and *Thomas Boyd*, all journeymen weavers, with *Andrew Brown*, silk manufacturer in Paisley, were walking peaceably upon a high road at the north end of the town of Paisley, they were surrounded by a crowd of people, consisting of several hundreds, who formed a ring round them, and often called out to them that they wrought at under wages to the said *Andrew Brown*, and threw clods and dirt at the declarant and the other two, and often called out to kill them outright that they might have no more to do with them, and three or four of the said crowd did spitt in the declarant's face, and the declarant and his two comrades above-mentioned were shoved by the crowd into a ditch which was hard by : Declares that he cannot point out the particular persons who insulted him and his comrades as above, further than that he heard *William Gibson*, weaver in Paisley, cry out among the crowd, " Candle light for this," and after the crowd was mostly dispersed the said *William Gibson* endeavoured to pull the declarant into the ditch, and sat down by him, the declarant, and spitt at him several times : Declares that he observed among the said crowd *William Jamieson*, *John Montgomery*, *Thomas Haddah*, *Fohn Blair*, *John Steel*, *John Culbertson*, the said *William Gibson*, and *Robert Wilson*, who he thought were the most active persons in insulting and shoving about the declarant and his companions : Declares that when the said crowd came first up to the declarant and his companions they were formed into ranks, and seemed to be headed by the said *Fohn Montgomery*, *Thomas Haddah*, and some others, who marched in the front of them : Declares there has been a guard of weavers kept for some time past at the foot of the New street of Paisley, and he has observed on the said guard at different times, *Hugh Muir*, *Laurence Hill*, and *Alexander Todd*, weavers in Paisley, who have several times insulted the declarant and his brother, the said *Thomas Boyd*, when they were going to their work, particularly in the mornings early, and used to call out to them that they were *Brown's men*, who did not turn out to the guard, and wrought at under prices, and gave them very bad names, such as scoundrels, &c. : Declares that, about two or three

months agoe, *John Semple*, weaver in Paisley, and the said *Alexander Todd*, came into the work-house of the said *Andrew Brown*, where the declarant and his two comrades above-named were working, and the said *John Semple* asked for the said *Andrew Brown*, and said that he had been sent to the said *Andrew Brown* by the Committee, of which he was one ; but as the said *Andrew Brown* was not at home, the said *Semple* said to *John Barr* he was sent by the Committee to him to ask him if he was going to take out another web ; and *Barr* giving him no satisfactory answer, *Semple* said that as he, *Barr*, and his companions had wrought at their work and not attended the meetings in the Gallowgreen, they would make them mind them next week ; and the declarant knows that next week guards were placed at the entries into the town, and at the manufacturers' houses, in order to prevent silk work from being carried out of the town : Declares that he has great reason to dread danger at the hands of the persons above-named and others, their associates, when the nights grow longer : Declares that at the worst silk work the declarant has ever had he could earn through the year, one week with another, working moderately, from eight to ten shillings weekly, and the declarant has not been a long worker at said work ; and this he declares to be truth. (Signed) ROBT. BOYD.—JO. SNODGRASS, Sh. Subt.

A large amount of similar evidence was given by the other witnesses precognosed, showing that intimidation, often accompanied by violence, was systematically used ; but the wire-pullers, as in most cases of this kind since, kept well under cover, and escaped the pains and penalties which, under the Combination Laws, were then strictly enforced, and which were very severe. The prosecutor was thus defeated in his objects, as well as the manufacturers who had instigated the investigations, and who, although anxiously desirous to obtain a conviction, were obliged to adopt other means for bringing the weavers into harmony with them. This they probably accomplished by adopting the table of prices of weaving prepared by the weavers. No prosecution at all followed the long and expensive investigation ; and Murray, who had been apprehended, was discharged from prison.





SECTION V.

PRISONS AND PRISONERS.

**State of Prisons and Treatment of Criminals,
1747 to 1820.**

IN the first report of the General Board of Directors of Prisons in Scotland to the Secretary of State for the Home Department, under the Act 2 and 3 Vict., chap. 42, attention is called to the Act 20th, George II., 1747, for abolishing heritable jurisdictions in Scotland, which makes provision for regulating prisons used by the Barons previous to the passing of that Act; and it goes on to state that the powers then possessed by Barons were extensive. Many subjects of the Crown having grants of jurisdiction as heritable Sheriffs, Bailies of Regality or Barony held courts, drew fines, and maintained prisons of their own. These rights of jurisdiction, besides giving dignity and influence, were a source of profit from fines of delinquents; and when called upon to relinquish their rights of jurisdiction, the holders of such rights were compensated by large grants by Act of Parliament. The only jurisdiction reserved to the Barons was the power to try petty cases of assault or breaches of the peace, and to impose a fine not exceeding twenty shillings, and to adjudicate in civil cases where the sum claimed did not exceed twenty shillings. There was also reserved to them the right to have prisons, but only in connection with their limited jurisdiction; and they were taken bound to enter in the Sheriff Court books the house or place provided or appropriated for being used by them as a prison; every such prison to be so situated, and have windows or gratings open to inspection from without. Some of these prisons existed till the passing of the Prison Act for Scotland, in 1839; and some were erected so lately

as the beginning of the present century,—the old prison of Pollokshaws, in this County, being of the number.

The cases we have brought under public notice sufficiently show the necessity that existed for the abolition of heritable jurisdictions, many of the prosecutions being most irregular in form, and illegal and oppressive as regards the crimes and offences charged, and the fines enormously high in proportion to the offences. It was provided, therefore, when their jurisdictions were suppressed, excepting to a very limited extent, that the Barons' prisons, if thereafter continued to be used, or if new prisons were erected, should not only be open to the public, but also to the inspection of the Sheriffs, who had the power to disallow the prisons, old or new, if they saw fit. "Unless under authority of local acts, the Magistrates of burghs were left to manage the prisons; and in regard to the maintenance of discipline were to be guided by the common law, and subject to complaint in the event of their failure of the Lord Advocate."

The value of the statistics which prison registers supply, has, in recent times, come to be fully appreciated; and the tabulated prison returns now made to the Government from all parts of the kingdom, are by no means the least interesting returns required from every public department under Government control. They give a large amount of important information, valuable for guiding the legislation of the country as well as useful to the public for reference. As proof that the unsatisfactory condition of prisons and treatment of prisoners were not confined to Scotland, we, at the risk of being charged with travelling beyond our sphere, give a few particulars brought to light by the investigations of John Howard.

The Tolbooth of Paisley was visited by this philanthropist, of world-wide fame, in the year 1787, on which occasion he was presented with the freedom of the town, a compliment that he duly acknowledged, as he did "the politeness of the Magistrates in their accompanying him in his visits to the Prison, and also to the Poorhouse, thanking them for their expressed willingness to make any alterations his experience enabled him to suggest for the benefit of such of their fellow-creatures as, by their crimes or their misfortunes, were placed under their control."

Before referring particularly to the Tolbooth of Paisley, it may give our readers some idea of the great importance of the mission of Howard, undertaken from benevolent motives alone, to state

briefly what was the condition of prisons as he found them in the eighteenth century ; and how much an investigation was then required into their horrors, and the terrible cruelty, oppression, and torture therein endured by large numbers of miserable creatures who seemed to have been shut out alike from public observation and sympathy, until Howard's philanthropic labours brought them into the light, and laid the foundation for that enlightened legislation that ultimately, although long delayed, effected a complete reformation in the prison system.

In Liverpool Bridewell, Howard found all the men in heavy irons, and seven out of eight women chained to the floors, and in bed at noon, having had no fire for several days, though it was the depth of a most inclement winter. In Kingston Prison, the prisoners exhibited the most wretched condition, many lying sick on the floor. One woman was in bed on the men's side, and two others were in the room used for faulty apprentices, a privilege for which they paid the keeper. There was a door from the men's court into the women's, the key of which was kept by one of the male prisoners, who could let himself or any other person into the women's apartments. In Richmond Prison were two dungeons for males, down five steps, with a room above for women, and a kitchen and bedroom for debtors, who could get good rooms only if they paid for the use of them, but there was no free ward. The rooms in which felons were confined were quite dark. The Prison of the Honour and Forest of Knaresborough was the remains of a ruinous castle, consisting of two small rooms without a window ; and the Jail for Debtors in the town of Knaresborough was in a condition more wretched and horribly disgusting than any which Howard had yet seen. It consisted of but one room difficult of access, and having an earth floor, no fireplace, and a common sewer from the town running through it uncovered. Yet, in a hole to which a dog kennel were a palace, an officer had been confined for a few days ; and taking with him his dog to defend him from vermin, the animal was itself attacked, and its face much disfigured by their attack. "Is it possible," says Howard, "that such a thing could ever be permitted in a free and Christian land?" In the County Jail of Morpeth, a woman committed for stealing a handkerchief was heavily ironed, though lately brought to bed ; but on Howard's humane interposition, her irons were taken off. In Glasgow Prison, he found that the transports had a separate room, and were secured by chains on their

necks as well as on their legs. Some of the rooms were very offensive and damp. No endeavour was made to reclaim these unhappy beings, whom long confinement, together with the great severity of their chains and the scantiness of their food, had reduced to the extremity of misery and desperation. In the House of Correction, the prisoners lay in bed all Sunday, because there was no religious service,—“a singular stain,” says Howard, “upon the piety of this religious country.”


At Shrewsbury Jail, the prisoners had been deprived of all religious instruction by a prohibition to attend public worship in the county jail adjoining. The women were in irons, though closely confined to their day-rooms and dungeons; the men, meanwhile, being doubly ironed and chained to the floor at night, and their bread was miserably short of weight. In the County Jail of Shrewsbury, in 1781, the men and women felons were together in a common day-room, and amongst the convicts was one who had been sentenced to transportation in 1777, so that five years of imprisonment had been unjustly added to his term. The Bridewell at Macclesfield was a ruinous room behind the keeper's house. He told Howard that he was sometimes obliged to confine men and women together by night as well as by day. The jail of Berwick-on-Tweed had sizeable rooms, but dirty; yet, like most of those in England, it had neither courtyard nor water. At Waterford, in the County Jail, a woman was confined with the men in their dungeon—the women's room having been occupied by a lunatic for twenty-seven years. About a week previous to Howard's visit, seven prisoners had un-riveted the bolts with which they were ironed; and, having made an aperture through the wall, effected their escape. At Clonmell, in Ireland, the dungeons in the County Jail were very dirty and crowded, and the men and women debtors were confined in the same room. Howard remarks that the women felons, however, were not in irons, as England had a peculiar and exclusive claim to the honour of so savage a practice.

In the year 1818, the prisons in Scotland were visited by another eminent philanthropist, Mr. J. J. Gurney, who has left notes regarding their condition, from which we now make one or two extracts. Of the Perth County Jail he says—“The accommodation of this prison is lamentably inadequate. In the building allotted to male criminals, there are only ten sleeping cells and one day-room, and there can, of course, be no classification, the tired and the untired

prisoners, the misdemeanant and the felon, the juvenile offender and the veteran criminal, are consigned, in a contracted day-room, to the closest association. At the time of the visit, there were eleven men in the room, and amongst them were observed two young persons committed for some trifling offence against the revenue laws, and one of maturer years charged with a most atrocious murder. On the women's side were four small rooms, each about twelve feet square. Here also there was a total absence of classification, there being seven women together, some of them petty offenders, and one charged with being concerned in the murder before referred to. With these women there were three children, one of whom was down with the smallpox. There was in this jail, often containing a large number of prisoners, neither a place of worship nor any provision whatever for religious instruction among the inmates. How disgraceful," Mr. Gurney says, "is such an omission in a Christian country, especially in Scotland, where religious instruction is an object of so great attention." The old jail of Perth was inspected at the same time, "and although this dark and wretched building had been for sometime disused as a prison, it was not at that period without its unhappy inhabitants—two lunatics, in the most melancholy condition, and both in solitary confinement. Some men in the town were appointed to feed them at certain hours. They were, in fact, treated as if they had been beasts. A few days after Mr. Gurney's visit, one of these poor creatures was found dead in his bed. The other was then liberated to walk the streets of Perth without control, although not recovered."

We have thus said enough as to the general state of prisons and the treatment of criminals. It is difficult to believe that the cruelty, oppression, and injustice which were brought to light by Howard and Gurney could have existed and been tolerated in any Christian country, and more especially in Great Britain and Ireland, where the liberty of the subject is so sacredly guarded by the laws, and where there is such an amount of Christian philanthropy exercised for the relief of every species of misery and distress.

Sale of Malt Liquors in Prisons.

N the first report, in 1840, of the General Board of Directors of Prisons in Scotland, it is stated "that the discipline which was practically observed in the common prisons was ruinously imperfect." It is impossible to conceive how it could be otherwise when we find, not only from the information which Howard and Gurney's visits to the Scotch prisons, in 1787 and 1818, afforded, but also from the reports of the inspectors of prisons, that before the passing of the General Prisons Act for Scotland, in 1839, there was an almost unlimited sale of malt liquors within prison walls. In regard to the County Prison of Paisley, which is placed under the provisions of that Act, the direction of the General Prison Board, and the direct control of the Local Prison Board, and which is now under the intelligent and most efficient superintendence and management of the present governor, Mr. Robert Bird,—under whom it has come to be acknowledged to be quite a model prison,—we find Mr. Frederick Hill, inspector of prisons, stating in his report for 1837, that even in this prison, "there are no fees which are paid by the prisoners, " but the keeper of the jail probably obtains a considerable profit " by supplying the prisoners with food, for which he is allowed six- " pence a day per head. The jailer also *sells porter to the prisoners,* " though, at the present time, owing probably to the great reduction " in the number of debtors, the jailer says he is not selling more " than a dozen bottles per week. There was, however, a consider- " able stock of bottles, some full and some empty, arranged in shop- " like order, betokening a *busy traffic* either *past* or *in expectation.* " It should be mentioned, however, that the jailer's regular salary " is only forty-five pounds a year, and that from that sum he has to " provide a turnkey." Thus, for discharging the duties of the im- portant office of governor of this prison (the adjoining House of Correction being, until 1840, separated from it, and under other and better regulation) and for undertaking all the labour and responsibility connected with his office, little or no salary was allowed. What he received being barely sufficient to pay for the warder under him, and having no fees, the governor had to depend almost entirely for his remuneration on the profit of his sale of malt liquor. Such

was also the case in the two Tolbooths that preceded it—the one that existed before 1758, and the other erected in that year and in use till 1820, when the present County Prison was built. The successive jailers had, in addition to the jail fees after-mentioned, to depend considerably on the sale of malt liquor within the prison for remuneration for their labour and great responsibility. We noticed (Series I., p. 48) a prosecution so far back as 1696 of Robert Kirlie, the jailer, for neglect of duty, in allowing Robert Stevenson, a prisoner, to escape from the Tolbooth, the jailer being plied by Stevenson with ale supplied in prison until he became unconscious, when Stevenson took from him his keys, walked out, and turned the key in the lock upon his jailer as he left the Tolbooth. Thus, nearly two centuries ago, the sale of liquor in the Paisley Prison was in baneful operation. It is true that the jailer did not then or since put up a signboard above the jail door, as was done in Dumbarton, with "Ale Sold Here" in large letters upon it; but many persons now living may recollect visiting the Tolbooth in the early decades of the present century, and there enjoying themselves with their unfortunate acquaintances or friends confined therein as debtors; and the Inspector of Prisons in his report on the Prison of Paisley, in 1842, says—"No limit has been put by the Local Prison Board on the quantity of fermented liquors allowed to civil prisoners, nor has any discretionary power in the matter been given to the governor; but the governor stated that he had nevertheless taken it upon himself to forbid *more than two bottles per day* to any prisoner, and admitted that, as no officer is present when the liquor is drunk, a prisoner might have *even more than two bottles*, by employing another prisoner to get an additional supply for him," and added "that the visitors to the debtors sometimes drank with them; and the most likely time for the debtors to indulge in drinking was late at night, after the officers had ceased to go to them, and if a debtor was to get drunk at that time, there would be little chance of his being found out." The Inspector remarks, "I have recommended the County Board to restrict the quantity of malt liquor to each civil prisoner to one pint per day, but the recommendation has not been adopted."

If discipline and good order were not strictly maintained in the two old Tolbooths and the existing prison before 1842, it need not be matter of much wonder, seeing the very liberal supply of malt liquor which the civil prisoners could obtain. We find, moreover, that the supply was not confined to this class of prisoners; and, if

anything like the same liberality as regards quantity, through the kindness of visitors, was procurable by criminals confined before commitment for trial—as indeed was the case—there could be no proper maintenance of order in either prison.

That our readers may understand that there is no exaggeration in the statement regarding the consumpt of porter and ale in the Tolbooth of Paisley, we may mention that we have seen several accounts rendered by the jailer to prisoners in 1801, 1802, and 1804, in which among other things he charges for supplies of porter and ale, and it is very well known that a large trade was thus carried on in Paisley Tolbooth. One or two of these accounts will be found appended to the succeeding article, pages 217 and 218.

It may serve to give some idea of the jailer's drinking customers to state the number of prisoners, civil and criminal, in the Tolbooth for several years for which the registers have been preserved :—

	<i>Civil Prisoners.</i>	<i>Criminal.</i>
1794,.....	136,.....	40.
1801,.....	121,.....	68.

When we add to these the numerous visitors to the prison, and consider that most of the civil prisoners and nearly all the criminals were confined for a considerable length of time, the average number of persons in the prison each day of the year, prisoners and visitors, must have been large, and more than could be properly accommodated. Between the prisoners and visitors, the jailer would therefore have an excellent trade; and it is not easy to estimate the quantity of malt liquor he was enabled to sell, or the envy by which he must have been regarded by the other publicans in the town.

The great evils which must have arisen from this vicious and most injurious system of drink-selling in prison, would probably be less felt in the Paisley Tolbooths after the beginning of the present century than in most other prisons, as the jailers from that time until the selling of drink was prohibited in prisons in Scotland, in 1842, were respectable officers, and would not readily suffer such irregularities as we find—from the reports of Howard in 1787, and Gurney in 1818, and the inspectors of prisons in 1839-40—to have been tolerated in other prisons, to a few of which we may be permitted for a moment to call the attention of our readers, that the evils of introducing the sale of drink in prisons as a regular and authorised part of their system of management may be more clearly shown.

Howard says of the Fleet Prison in 1754-55, in relation to the

flagrant abuses in that notorious prison—which, with its manifold gross abuses, have been entirely swept out of existence—that the whole of the rooms on the cellar floor of the prison and a part of the one above it were in the hands of the tapster, who had bought a lease of them at a public auction, and let them out to the debtors confined in the prison at the exorbitant rent of from four to eight shillings each a week. The prison presented every possible temptation to dishonesty, riot, and dissipation; wine clubs and beer clubs, each lasting until one or two o'clock in the morning, contributed their ready and powerful aid to drown in the intoxicating bowl every feeling of regret for the past, every purpose of amendment for the future; and in order to give fresh spirit to their mirth, butchers from the adjoining market and idle visitors were regularly admitted into the tapster's room, as into any other public-house. In the County Jail at Appleby, and the prison for debtors at Bately, the jailers had killed themselves by drinking from their own tap,—a fate by no means uncommon. In the Hall-garth at Beverly, a prisoner had been killed in one of the drunken quarrels which so baneful a practice engendered. Of the jail at Berwick-upon-Tweed, he says the rooms were sizeable, but dirty; yet like most of these in England, had neither court-yard nor water; and, what Howard condemned as leading to gross abuse and many evils, the jailer kept a public-house. In Kilmainham Jail spirituous liquors were freely conveyed through the window fronting the street, and the prisoners were so completely intoxicated as to endanger their own lives and those of others; and Howard says he providentially went into this jail just in time to extinguish a fire kindled in the straw upon which they lay when in one of their drunken carousals. The debtors here were drinking wine so freely as to be drunk by eleven in the morning. Of the new Newgate Prison of Dublin, visited by Howard in 1781, he remarks that the morals of the prisoners were totally neglected; and such was the licentiousness permitted that spirits were often sold in the jail, and he found fifteen or sixteen male felons mingled with the women on their side of the prison, and three women on that of the men. Several of the men were found living among the women, having free access to their cells in the day time; and it was not surprising, therefore, that many illegitimate children had been brought into the world from this sink of iniquity. Gurney, in 1818, says of the Glasgow Jail, that although built but a few years previously, it was defective, and in its then state teemed with mischief.

He says, "I never witnessed a more melancholy spectacle,—dissipation, idleness, and clamour prevailed on every side, amidst the din of fiddling, laughing, and riotous vociferation. It was truly appalling." He states that the number of criminals committed during the preceding three years amounted to 3068 ; and the jailer assured him that they uniformly left the prison worse than when they entered it, and fully two-thirds came back.

In Mr. Hill's fourth report, as inspector of prisons, 1843, he says of Dumbarton jail that both debtors and criminals were allowed to receive supplies of food from their friends without the prison ; and in order that neither the debtors nor the visitors might be put to any trouble in procuring supplies of malt liquor, a stock was considerably kept by the jailer himself, who, with great alacrity, brought it up as fast as it was called for ; indeed, such was his care to make known the accommodation he had provided, that the first thing which struck Mr. Hill on arriving at the prison, was the following inscription over the jailer's door—

"J. CRAWFORD, DEALER IN ALES."

Mr. Hill thought at first he had made a mistake, and had come to a public-house. The jailer assured him that he never sold his ale and porter except to the debtors and their friends ; but the criminals disagreed with him, and stated to Mr. Hill that they did buy ale and porter from the jailer when they could raise the money. Of Glasgow jail, visited in December, 1835, Mr. Hill says, "Visitors to debtors were freely allowed during eight hours every day, except Sunday, when it was common for a visitor to treat a debtor to a bottle or two of ale or porter ; and so great was the consumption that the profit arising from the sale of these articles amounted to from £200 to £300 a year."

Of Kinross jail, he says that the debtors were sometimes the means of producing disorder and drunkenness by supplying the criminal prisoners with whisky, which they had not the least difficulty in procuring. The prison of Kiriemuir is one of these authorised by the Heritable Jurisdiction Abolition Act, and being the prison of a Burgh of Barony, that act requires that it should be open to inspection from without, as a security against secret and unjust imprisonment. The consequence of its being open to the street was that prisoners were supplied with whisky. One of the usual offences in the prison was getting drunk, and breaking the furniture and attempting to escape.

Incarceration for Debt, Desertion from the Army, etc.



CTIONS for debt to any amount were, previous to 1825, competent in the ordinary Sheriff Court, and a considerable portion of them were for debts of from £1 to £10. The proceedings in numerous litigated places were better adapted to increase expense and cause delay than to satisfy the ends of justice. In a process in 1800—one amongst hundreds—where the debt pursued for was £1, the pleadings consisted of summons, answers, replies, and five reclaiming petitions; and a decree was only obtained for the principal sum and £1 10s. of modified expenses after a delay of nearly twelve months. For these and similar sums imprisonment was not only competent but very often resorted to to enforce payment. On the Sheriff's decree, however, letters of homing and a caption had to be raised before the debtor could be incarcerated. The expense thus incurred in the recovery of small sums was large, and to compel repayment recourse was often had to imprisonment; and previous to 1825 a considerable proportion of the numerous prisoners for debt were incarcerated for sums under £10. In 1825, a summary jurisdiction was given to the Sheriff, by a Small Debt Act, where the sum did not exceed £5, which was extended in 1829 to £8 6s. 8d.; but imprisonment was prohibited, unless for taxes, revenue penalties, poor and other local rates, and alimant. In 1837, this summary Small Debt Court jurisdiction was extended to £12, and in 1867 to £50, under the Debts Recovery Act; but on this last extension, a different, though still summary form of procedure was provided, and expense and delay prevented. Imprisonment for debt above £12 is still competent on decrees of the Small Debt Court and Debts Recovery Court.

We have stated the number of prisoners on the Civil side of the Tollbooth of Paisley to have been, in 1794, 196; in 1801, 121; in 1842, 49; and in 1875, 40. The immense decrease of prisoners for debt is ascribable in great measure to the prohibition of imprisonment for sums under £8 6s. 8d.

The want of the jail registers, except for the short period from 1794 to 1803, has been to us a source of great disappointment, as we expected to find many entries of incarcerations bearing upon

criminal proceedings found among the Judicial Records, and thus to follow up the history of some cases of considerable interest, and to be able to make our notices of the Tolbooth of more value, and more likely to interest our readers.

Among the few entries we have found, the two following, having reference to the case of Thomas Potts, executed in 1792, to which attention was called in our First Series; and these fix the date when Potts and Roger M'Ghie—an accessory to the crime for which Potts suffered—were committed to the Tolbooth:—

“17 Nov., 1791.—Thomas Potts and Roger M'Ghie incarcerated at the instance of Edward Jamieson, writer in Paisley, Procurator Fiscal for the shire of Renfrew, upon the petition of Andrew Cochrane, gardener at Ferguslie.”

“16 March, 1792.—Thom : Potts and Roger M'Ghie are committed anew on criminal letters, at the instance of Robert Dundas, Esquire, Amiston, His Majesty's advocate for His Majesty's interest.”

Among other entries, we find the following:—

“Feb. 21, 1804: Incarcerated Hugh M'Kechnie, Barrhead Renfrewshire Yeomanry; liberated March 2.”

From this entry, it appears that a member of a corps, not known in history, was imprisoned for nine days, no doubt for some military offence. There were several regiments of local militia raised in the county about the time of the threatened French invasion, but of the Barrhead Yeomanry we have never had any knowledge except from this entry.

About the end of the last century, numerous fencible regiments were raised throughout the country; and in the Paisley Tolbooth Register for 1795, we find ten deserters imprisoned for deserting from the ranks of the following fencible regiments:—Lord Breadalbane's the Aberdeenshire, Lord Hoptoun's, Mackay's, the Dumbartonshire, the Lanarkshire, the Strathspey, the Glasgow Royal, the Perthshire, Colonel Bertie's, Cameron's, and Captain Maxwell's Independent Company.

The number of deserters from the army imprisoned in the Paisley Tolbooth in 1788 was 5; 1789, 2; 1790, 8; 1791, 2; 1793, 1; 1794, 16; 1795, 11; 1803, 2; 1804, 2;—being a yearly average of 9.

At a more recent period we find that the number of deserters in the Paisley Tolbooth in 1859 was 8; 1860, 11; 1862, 12; 1863, 4; 1872, 6;—or a yearly average of 10. It thus appears that, notwithstanding the outcry that is made about desertions from the army

in our own time, there was as great a number at the end of the past and the beginning of the present century, if the prison registers of Paisley for the above years are to be taken as showing anything like the state of desertions generally from the army.

In regard to the emoluments of jailers under the old system, it is right to mention that the keepers of the Tolbooths were allowed to exact from prisoners fees on their incarceration or liberation, as well as some other small fees which we find in sundry accounts, as follows :—

“June 3, 1794: Jail dues for William Wilson, 8s. 2d.” “13 August, 1801, Will Mair to Jailer: for jail dues from 17th May to 13th August, being 88 days, at 4d. per day, £1 9s. 4d.”

“In 1802, John Munro to jailer, October 12: to jail fees, 10 nights, at 4d., 3s. 4d.; to lodging caption, 5s.; to uplifting do., 1s.; to a liberation, 2d.”

“William Steel to jailer, May 1st, 1804: to jail fees for 20 days, at 4d., 6s. 8d.; to borrowing warrant and signing certificate, 2s.; to a liberation, 2d.” And many others.

All exactions, alike for drink or fees, were entirely done away with by the directors of the Prison Board of Scotland in 1840, and thus one great source of oppression of parties who, it may be supposed from their being incarcerated for debt, were little able to bear such exactions, was effectually put an end to. To an unprincipled debtor, on the other hand, the fees would not be burdensome; while the supply of liquors enabled him to lead a jolly life while in prison, and to set his creditors at defiance.

The salary of the governor of the Paisley Prison was, as we have stated, in 1840 £45, from which he had to pay the wages of a warder. In 1875, the governor's salary was £230; chief warder, 24s. per week; 11 warders, 22s. per week each; and female warder, 11s. per week. But although the governor's duties and responsibilities are increased since 1840, and the management is now thoroughly efficient, we have little hesitation in saying that the keepers of the old Tolbooths of preceding periods were, from their various sources of income, even better remunerated.

The following are copies of the accounts of the jailer of the Paisley Tolbooth, to which we have alluded in the preceding article, when referring to the sale of malt liquors in prisons :—

	I.	
William Mair,		Paisley, August 13, 1801.
	To the Jailer.	
For jail dues, from 17th May to 13 Augt, being 88 days at £ Sh D		
4d. per night,.....		1 9 4

	£	Sh	D
To lent money,	0	13	8
To 1 Doz. Bottles Porter,	0	5	0
Attending oath, uplifting Diligences, and porter for Mrs. Mair,	0	6	2
Signing Certificates,	0	2	0
For Porter for Mrs Mair,	0	1	8
Attending upon oath and Examination,	0	2	0
Borrowing warrt and uplifting Diligence and Liberation,	0	3	0
14 Augt—12 Bottles porter for Wm. Mair,	0	5	0
	£3	17	10

II.

Octr 12th, 1802.

John Monro,

To the Jailer.

	£	Sh	D
To jail fees, 10 nights at 4d. per night,	0	3	4
To lent money to Mrs. Boag,	0	3	6
To lodging caption,	0	5	0
To uplifting Do.,	0	1	0
To lent money to J. Monro,	0	1	8
To porter, 5 Bottles,	0	2	1
To a liberation,	0	0	2
	£0	16	9

III.

Paisley, Novr 17th, 1802.

Mr J. A.,

To the Jailer.

	£	Sh	D
To lent money,	1	1	0
To Do. by J. H. for John Robertson,	0	5	0
To eight bottles porter, 1 bottle ale,	0	3	10
To Jail dues, 17 nights at 4d. per night,	0	5	4
To a liberation, signing Certificate, &c.,	0	2	2
To A Spier and A.,	0	1	0½
To lent money to Do.,	0	12	0
	£2	10	4½

Irregularities in the Incarceration and Liberation of Prisoners.



IN the year 1758, the old Tolbooth of Paisley which had been used for commitments by the Heritable Sheriff of the County and Baillies of Regality or Barony prior to 1747, was pulled down and replaced by another Tolbooth and Court-house then built. Of the registers of the old Tol-

booth thus removed in 1758, none are known to exist. Of the second Tolbooth and Court-house built in 1758 and used till 1820, the registers are in great part wanting, and after a search we have only been able to discover those for the following periods, viz.,—from 11th May, 1788, to 5th January, 1796; and from 17th November, 1800, to 31st December, 1803. Had they been properly kept and preserved, which unfortunately they have not, they would have been alike interesting and profitable to us in our investigations.

It was this prison that Howard visited in 1787, and Gurney in 1818; and, unfortunately, beyond the fact of these philanthropists having visited the prison, there is nothing on record that we have been able to discover to give us any idea of the condition in which they found it. It had, however, been erected only about twenty-nine years before Howard's visit; and although its accommodation was comparatively limited, it must have been, generally speaking, superior to most of the older Tolbooths throughout the country which he, and afterwards Gurney, had seen.

The registers of the Tolbooth we have found, although silent in regard to any regulations of the prison, and as to the physical and moral condition of the prisoners, are not altogether without information, leading us to understand that, whatever was their state generally, there was great irregularity and oppression in practice therein, as regards the admission and detention of prisoners; and although not shown by the registers, there were other irregularities in its management to which we will take occasion hereafter to refer.

These registers have outwardly the appearance of school copy books. They contain no columns to show the crimes or amount of debts for which the prisoners were incarcerated, or length of imprisonments to which they had been sentenced, or description of the prisoners, or other particulars now given in prison registers. They only give some of the names of the prisoners and incarcerators, and dates of imprisonment and liberation, and the authority on which the prisoners had been incarcerated. They are thus, statistically, of little importance, and afford but a very imperfect idea of how the prison was conducted.

The parties with whom the power to commit prisoners to the Tolbooth rested, were the Sheriff, Magistrates of Paisley, and the Justices of the Peace for the County; and generally on diligence or warrants emanating from them the commitments were made. But they did not always exercise their power in a legal manner; for, in

numerous instances, persons, male and female, were received and detained in prison, and sometimes for long periods, without any written warrant, and on their verbal authority alone. This was a power which could be and was exercised oppressively, there being no writing to show that the parties imprisoned had been guilty of any crime or offence, or even suspected of such; and when so illegally imprisoned they were equally irregularly liberated without being brought before a magistrate.

During the period for which we have found Tolbooth registers, as before stated, there was no regular Police force in Paisley, and the town was protected by a voluntary guard, supplied by the inhabitants in rotation, and acting under a captain for the day appointed by themselves. In exercise of their duty, the town guard frequently apprehended parties guilty, or suspected of being guilty, of crimes or offences; and it seems to have been the practice for the captain of the guard, on his own authority, to commit the prisoners so apprehended to prison, without any written or legal warrant. Thus the Sheriff and his substitutes, the Magistrates, the Justices, and the captain of the guard, all made use of the Tolbooth for detention of prisoners on their verbal orders for an unlimited time, although any such use of a regular prison was altogether unwarrantable.

To show how far this was carried, and in what manner, we will quote some entries from the register; and certainly, if we judge from these and many others that we have not space now to give, the liberty of the subject was not quite so much cared for or protected about the end of the last and beginning of the present century as it is now, when we have better regulated prisons, and registers, making all such irregularities impossible.

On 28th March, 1801, there is the following entry on the register:—"John Bonnar, incarcerated on suspicion of being a deserter," and afterwards "April 2, Bonnar set at liberty, not being the deserter above mentioned." Bonnar being thus illegally confined for six days on groundless suspicion. Another is—"20th April, 1801, William M'Kewan, incarcerated in virtue of a warrant of transportation;" the next notice we have of him being "January 20, 1803, William M'Kewan found dead." Thus, instead of being transported according to his sentence, M'Kewan was confined in a cell for one year and nine months, when death removed him from under the jailer's further care. "July 24, 1801, Adam Livingston incarcerated

in virtue of a warrant granted by the Sheriff on the petition of John Mitchell and Fiscal." "November 10, Adam Livingston liberated." There is no evidence of any proceedings being taken against him, although under Sheriff Hutchison's warrant he suffered 109 days imprisonment. "July 20, Mr. and Mrs. Campbell incarcerated by orders of Mr. David Hutchison." "July 30, Mrs. Campbell liberated." "July 31, Mr. Campbell liberated by orders of Mr. David Hutchison." "July 29, 1801, a woman pretending to be 'dumm' incarcerated by orders of Bailie Davidson." "31st, liberated by order of Magistrates." It may be presumed that this poor creature was not pretending to be but was really dumb, and was therefore liberated. Even the name is not given of this prisoner on the register, nor was there any warrant for her incarceration. "May 6, 1791, Archibald Bogle incarcerated by order of Bailie Brown, on suspicion of desertion." "May 17, liberated by order of Bailie Brown." Bogle was thus imprisoned eleven days without a warrant, and liberated probably after the Bailie had discovered that there was no foundation even for suspicion. "April 27, 1791, Mrs. Simpson, wife of James Simpson, incarcerated by order of Sheriff Orr." "15th May, Mrs. Simpson liberated by said James Simpson, her husband." There is neither offence stated, nor warrant for this woman's detention; and having got irregularly into prison, she was in like manner brought out by her husband without any legal authority. It surely cannot have been the custom then for husbands thus to be able to get rid of their wives for a season, through the complacency of the jailers? "August 11, 1794, Janet Brown and Catherine Cameron incarcerated by order of Bailie Stow,"—no notice taken of liberation, and no offence stated in register. "September 4, 1794, Janet Jamieson incarcerated by order of Bailie Barclay." "1795, January 12, James Highat incarcerated by order of Alexander Bilsland." In what capacity, or for what offence, and without a warrant, Mr. Bilsland incarcerated this man, or when he was liberated, does not appear. "June 20, 1794, an old woman incarcerated by order of the Bailies of Paisley, liberated the 26th June." In this entry there is neither offence, warrant, nor name of offender given, and she seems to have been imprisoned six days. "February 26, 1791, James Clark liberated by order of the Sheriff without sending any written liberation to the jailer." "February 28, 1791, Duncan M'Lean liberated by order of Bailie Love without any liberation being sent to the jailer." By these two entries the

jailer seems to have wished to protect himself against the consequences of the irregularity of the Sheriff and Bailie in thus liberating on verbal *orders* these two prisoners. "August 3, 1801, John Livingston incd' by *orders* of Mr. David Hutchison, with Young his wife." "August 8, Livingston liberated by *order* of Mr. David Hutchison." "October 12, 1801, Mrs. Livingston liberated by *orders* of do." Here, apparently without any charge against these parties, or warrant, the husband was imprisoned five days and his wife seventy days. "March 25, 1801, Janet Stewart incarcerated by *order* of Mr. David Hutchison on suspicion of stealing £26 at Bargarran." "June 1st, 1801, Janet Stewart liberated by *order* of Mr. David Hutchison,"—no warrant ever lodged. From this entry Stewart seems to have been imprisoned 67 days without warrant on the verbal *order* of Sheriff-Substitute Hutchison.

We do not think it necessary to quote more of these cases to let our readers understand the manner in which the Tolbooth was conducted, so far as commitments and liberations went; but it is not to be supposed that where there was such systematic irregularity in receiving, detaining, and liberating prisoners on verbal orders, that the Tolbooth could have had any proper rules or regulations for the guidance of the jailer, or that perfect discipline could have been maintained within its walls. The observations were no doubt fully warranted which were made in the first report of the General Board of Directors of Prisons in Scotland, in 1840, that "the discipline which was practically observed in the common prisons (in Scotland) was ruinously imperfect. There was no proper accommodation, and therefore little means of procuring separation of males and females. Criminal prisoners of all descriptions and ages were thus necessarily associated together, and even the debtors and other civil prisoners suffered many of these evils along with them. Criminals were not obliged to work, and generally lived in total idleness, even after conviction; if the sentence was simply imprisonment, they could not be compelled to work."





SECTION VI.

THE BURGH OF PAISLEY.

The Situation of the Town.

FOR natural excellence and beauty of site, few towns are able to compare advantageously with the ancient town of Paisley. The land is undulating and diversified, affording opportunities for picturesque outlaying that, had display been any object with our forbears of three centuries ago, might have been turned to good account. These old worthies, however, had no *penchant* for the laying down of lines of street with any eye to the future. Like Topsy, their town was allowed to "grow," and the necessities of the moment determined everything. Still despite their inattention to considerations of the picturesque, local position stood good for anything like neglect on their part; and Paisley, about the end of the seventeenth century, though small in extent, and irregularly constructed, must have been a fine specimen of the small Scottish town. It was openly built, and consisted of but a few streets on the lines of the existing leading thoroughfares. A pure fishing stream ran through its centre. On the east bank of the river, finely situated amidst its surrounding grounds, stood the remains of the old Abbey, that little more than a century previous had been a fine example of Scottish ecclesiastical architecture. The western bank, on which the town was principally built, presented a diversity of elevation, embracing combinations of hill and valley, that must have given to it quite a picturesque appearance on approaching it from the east. The heights of Saucel and Oakshaw rose conspicuously from the surrounding levels, and from the top of each good views of the surrounding, and then open country, must have been attained. Even yet, despite its narrow and somewhat tortuous streets, the town has

many attractions for its native population ; and now that the hand of reform and reconstruction is to be applied to some of its leading thoroughfares, hopes are entertained that a few years will make it even still more worthy of their attachment.

In Slezer's picture of Paisley in 1693, which was reproduced as the frontispiece of the *Paisley Magazine*, published in 1828, and, more recently, as one of the illustrations in Provost Brown's admirable *History of the Town and Grammar School*, a fair estimate of the locality is to be found. The point of view has evidently been Saucel Hill, and the localities and buildings are distinctly traceable. The Old Bridge is in the centre of the picture, with the Abbey to the east, amidst well-wooded surroundings ; while to the west are to be seen the spire of the Alms House, that then existed in High Street, and the straggling houses that formed the couple or so of lines of street, while Oakshaw-hill forms the elevation indicated to the westward, with a few buildings at its eastern end.

The ancient Romans, with an eye to commanding positions, had, as is well known, chosen at the time of their occupancy of the country, the western extremity of Oakshaw-hill as a Prætorium—the bounds of which, till a recent date, were well defined, and an object of some interest to antiquaries. Oakshaw still commands a fine panoramic view of well-wooded and cultivated lands. The massive Neilson Institution, with its lofty cupola, occupies at the present day the site of the old Roman Prætorium, and from its commanding position, is conspicuously observable from nearly every point of the compass. From the gallery at the base of the cupola, a view of the surrounding country to the south, west, and north, is obtainable—well worthy the attention of the visitor—and only excelled by that from the balconies of the spire of the High Church near the eastern extremity of the hill. The Cart that at the period of Slezer's representation flowed through the town, was pure and limpid in character, and was the chief reliance of thrifty housewives for domestic purposes, while the disciples of old Isaac Walton found in its waters an attractive field for their piscatorial recreations, and the enthusiasts in the art of natation might well have apostrophised it in words similar to those long afterwards addressed by Smollet to the Leven,—

“ Sweet stream, in whose transparent wave
My youthful limbs were wont to lave.”

These days of purity are unfortunately gone. The development

of industries of many kinds, and the growth of population, have made the Cart little better than a mere sewage conduit, and preventing its waters being of any use for personal or domestic cleanliness as in the olden time. This deterioration is certainly to be regretted, seeing it is in so large a measure preventable. Our streams are amongst the most valuable of our public properties ; and important as may be the advantages of fully developed industries, for the carrying off of whose refuse a running water-course is always so desirable, legislation will do well to enforce stringent regulations by which river pollution will be minimised as much as possible, through the enforcement of sanitary regulations tending to remove every just ground of complaint.

It is not our purpose in the few following papers, pertaining specially to Paisley, to discuss projects of either town or river improvement, but rather to give an idea of its ancient topography, feuing plans, and feuars, and to explain certain peculiarities by which these lands were held. We cannot, however, leave off at this point without a word in reference to Burgh Improvements about to be effected, and river improvements that ought to have been accomplished long ago. Town improvements of a highly valuable character have already been completed. The old tenements forming the east side of Abbey Close, that so sadly marred the appearance of the old Abbey, have been swept away, and a narrow lane changed into a broad and spacious street, which, after the Clark Town Hall is erected, will be one of our most attractive localities. St. Mirren's Wynd has also been transformed into a broad street, faced with ornate and costly elevations ; whilst High Street, inconveniently narrow, is about to be doubled in width. All this is satisfactory ; but it is matter of regret that so little has been done to improve the river navigably, and give the town the advantages it would certainly, had this matter been wisely attended to, have long ago shared, in some part at least, with its prosperous neighbour of the Clyde. A century ago, the depth of water at high tide at the Broomielaw was not greater than at the Sneddon, and neither locality had then anything to boast of in the way of shipping. The same tidal water flows in the Cart and Clyde. The Cart is capable of being converted into a tidal harbour extending several miles, and of being deepened to an equal depth with the Clyde. The Clyde Trustees have recently paid as much for a few acres of land for the extension of their harbour, to meet the immensely increased demand for harbour space, as would purchase

the whole land along the Cart required for widening and deepening it from the Sneddon to the Clyde. The Cart has railway communication with Glasgow from near Paisley harbour ; and a ship's cargo could be transferred from the Cart to Glasgow in as short a time and at as little cost as by cartage from the lower parts of Glasgow harbour to the city. Then, again, Paisley is making immense strides in its manufacturing, engineering, shipbuilding, and other trades, so as to require extensive shipping and harbour accommodation for itself ; and why should Paisley send away the wealth which Glasgow shippers are receiving from Paisley shipments ? Why, in fine, should Paisley, having the means at its disposal by the Cart of forming, at comparatively little cost, a tidal harbour from the Sneddon to the junction of Cart with the Clyde, not do so, and thus become an important shipping town like some in England which, although with fewer river advantages than Paisley, have by the enterprise of their inhabitants been raised to importance ? The day cannot be far off when these views, which some of our readers may consider Utopian, will be realised in Paisley ; and we hope to see a historian of the Cart arise capable of recording its past and pointing out what could and ought to be its future. There are hundreds of schemes now pressed upon public notice far less feasible than this ; while there is a plethora of capital in the country, and even in Paisley, seeking a profitable vent, and abundant energy in the inhabitants to float this or any other scheme for improvement of the Cart.

It has been matter of surprise that the Clyde Trustees, who, never famed for prescience in regard to the provision for harbour accommodation, have at the last hour been forced to expend many hundreds of thousands of pounds for such a purpose, did not look to the tidal river Cart, within so short a distance from Glasgow—indeed, not much more distant than the lowest point of their present contemplated harbours—and get into their grasp this river ; and, by deepening and widening it, and taking advantage of the railway communication already in connection with the Cart, secure it to relieve the greatly overcrowded harbour of Glasgow, by directing some part of their shipping to it. Thus they would have prevented a rivalry which sooner or later they will have to encounter, notwithstanding their standing joke about their Paisley suburb. If Glasgow shipping and commerce increase in the next fifty years in anything like the ratio of the last fifty, the harbour of Glasgow will be extended to the mouth of the Cart. It would then be incalculably important

for the Clyde Trustees to have a tidal harbour that would draw off a part of the pressure on the river above the Cart, both in transit and quayage. But there are great doubters in Paisley, who will fail to see the possibility of such a project as this, and possibly denounce the very mention of it to be chimerical. Let them and their less incredulous townsmen look to Liverpool, which Glasgow seeks to rival, and they will see what enterprise and money can do; and they will, if capable of judging, see nothing here that is impossible.

Plan of Paisley—1490-1545.

(From the Abbey Chartulary).



IN the Town-Clerk's office there is a plan showing the original feuing of the Burgh, with the following title:—"Paisley, 1490 to about 1545, from the Abbey Chartulary." This, although having the appearance of an old plan, has no claim to antiquity, having been compiled little over fifty years ago. Its history is:—About the year 1820, the finances of the Burgh were in a condition to create some uneasiness in the Council from the amount of debt and the inadequacy of the revenue to meet current expenditure. To raise funds, the Magistrates and Council, who had previously met their difficulties by borrowing—thus continually increasing the debt of the Burgh—had their attention called to the compositions for casualties of non-entry due by the town's vassals, a large proportion of their property being in non-entry. A committee of the Council were appointed to make enquiry; and the writer of these notes being then employed in the Town-Clerk's office, undertook and carried through a survey of the town to ascertain its then proprietors, and also an examination of the Chartularies of the Burgh and Chamberlain's books to show what properties were in non-entry. The result was engrossed in four large volumes with index, still in use by the Town-Clerk. The Town Council were thereby enabled to make a call on their vassals to enter with them as superiors. It is well known to every one cognisant of the affairs of the Burgh at that time, that by this means the Town Council recruited their exhausted

exchequer ; the Chartulary and Chamberlain's books in succeeding years showing to what extent this had been accomplished. But the raid thus made on their vassals by the Magistrates and Council was very unpopular, and resistance to their demands was on various grounds made by the feuars, ultimately causing recourse to be had to the Law Courts to have the respective rights of superiors and vassals ascertained. At this juncture, Mr. Robert Patison was one of the Bailies of the Burgh, and to him we owe the plan we have been noticing, which was prepared in reference to law suits in dependence in the Court of Session. The Bailie was perhaps better acquainted with the history and affairs of the Burgh than any other of its inhabitants, and had given much attention to the various tenures under which land within the Burgh was held. Mr. David Semple, F.S.A., informs us that he suggested to the Bailie the Abbey Chartulary as a source from which some of the desiderated information could be obtained ; and Mr. Patison took Mr. William Motherwell, then resident in Paisley, and other antiquaries into his counsel. The plan was the fruit of their joint labours, and is certainly a curious, and, its accuracy being admitted, a very important document. It has not hitherto been published, and although it is to be found in the Town Clerk's office, where it is probably now looked upon as more curious than useful—having served the purpose for which it had been prepared—it cannot have come under the notice of many of our readers. There are features of the plan, besides its showing the manner of holding of lands within the Burgh—the principal object for which it was prepared—that have some general interest, and these we propose briefly to notice. The most prominent of them is the River Kert, Cart, or Cartha, with its tributary streams and burns, known to the monks of the monastery by the names given on the Plan and which they still bear.

The lands within the Burgh, it will be observed by reference to the map, consisted, at the time referred to, of:—

- | | |
|--|------------------------|
| I. Terra Burgalis, 101 A, 1 R. | } held by Feu Charter. |
| II. Terra Campestris, 140 A, 3 R. | |
| III. Common Land held by Booking, 166 A. | |
| IV. Moss Land, 243 A. held by Feu Charter. | |

The Cart and its Tributaries.



THE Cart and its tributary streams are named in the plan thus:—

The Kert, or Cart, or Cartha,
 The Torrenti de Espedair,
 The Corsflat Burne,
 The Torrenti de Sancta Mirini,
 The Torrenti de Snawdown,
 The Oxschawside Ditch.

I.—*The Cart or Kert.*

In old documents that have come under our notice, the Cart is variously named—Cart, Kert, White Cart, and Cartha. In Baillie Patison's plan it is shown to be a considerable river, intersecting the town in a bending course from James Crawford's lands of Seedhill on the east to the Holm of Ward-meadow, below the Fosse de Marchtoun and the Lang and Short Ruids of Nethercommon, on the north. In Crawford's *History of Renfrewshire*, 1712, he says, "the River White Cart has its source betwixt Eaglesham in this (Renfrew) shire, and Evandale and Kilbride in Clydesdale, its course for some miles being northward, till, at the Castle of Cathcart, within two miles of the city of Glasgow, it turneth north-west to Paisley, and from thence northward to the Kirk of Inchinnan, where, meeting with Black Cart, they have their influx into Clyde, betwixt the Renfield and some part of the Lordship of Inchinnan a little below that Church. In this river of White Cart, a little above the Town of Paisley, there are found pearls so fine and big that they may compare with many oriental, and have been taken notice of by some of the most famous travellers in England. They are found in the ground of the river among the sand, in a shell larger than that of a musc. The proper season of fishing them is in the summer." Camden, in his *Britannia*, 1587, states that "on the River Cart the ancient Baron of Cathcart hath his habitation. Near adjoining (for this little province is full of nobility) lies Cruikston, anciently the seat of the Lords of Darnly, from whom, by right of marriage, it came to the Earls of Lennox, whence Henry, the father of King James VI., was called Lord Darnley. Among

other seats of the nobility and gentry are the family mansion of the ancient Barons of Cathcart, now in ruins ; and Hawkhead, the residence of the Barons of Ross, descended originally of English blood as deriving their lineage from Robert Ross of Wark, who left England and came under the allegiance of the King of Scots." Although not noticed by Camden, the family of Maxwells of Pollok, now the oldest in Renfrewshire, had, in his time, a castle or family residence near to where their present mansion stands ; and he might have mentioned also that the Monastery of Paisley stood on a site on its banks, selected like many other residences of Churchmen for its beauty, its contiguity to a fine stream, and its surroundings of rich land ; the Abbot having, from the wealth of the Abbey and his position, greater power and influence than any of the nobility Camden names. The Cart among other lesser tributaries above Paisley had the Auldhouse Burn, the Brock, and the Levern, each a considerable stream ; and within the Burgh the Espedair, Corseflat, Saint Mirrin, and Snawdoun Burns, and the Oakshaw ditch. At the dates mentioned on the plan, 1490 to 1545, the Cart was a fine pellucid stream, conducing highly to the ornament and amenity of the lands through which it flowed, and especially of the town of Paisley. It abounded in salmon and trout, and was one of the best fishing streams in the West of Scotland—no doubt it supplying, in its salmon and trout, many a luxurious meal to the learned and pious inmates of the monastery.

The purity of the waters of the river led the inhabitants of Paisley in former times to use it freely for bathing. The linn or pool below the Seedhill crags, themselves so picturesque an object in the passage of the river, were, in the early decades of the present century, the favourite resort of the male juveniles of the burgh in the bathing season, and many there learned the art of natation so thoroughly as to become expert swimmers. The crags, affording as they did so many various points of elevation, with pools of sufficient depth beneath them, gave special opportunities for practising leaping into the water, and when at last the more adventurous and daring leaped or dived from the top of the highest rock—or Hammils head—he took distinguished rank among his compeers. The "eely beds" that lay between the bottom of the linn and the Abbey bridge, where small eels and minnows were to be found in thousands, were the resort of boys and girls at school, the shallowness of the water enabling them there to wade

with safety. So recently as the early decades of the present century the Cart and its tributaries, especially the Brock, Levern, and Espedair, abounded in trout, we in our youth having caught one at the dipping at the foot of Dyers'-wynd, between the Old and Sneddon bridges of Paisley, and long afterwards we had for years the privilege of fishing in the upper stretches of the river where it flowed through Pollok estate, and where a knowing disciple of Izaak Walton could always secure a good basket of large trout. At the Saucer Mill the salmon were wont to be seen leaping the Craggs on their way to their spawning beds farther up the stream; while little more than a century ago part of the rent of the Saucer Mills, then belonging to the Stewarts of Blackhall, was actually paid in salmon, caught in the cruives below the mills, which the tenant was taken bound by his lease to uphold.

II.—The Torrenti de Espedair.

This, the most important tributary of the Cart within the Burgh was, four centuries ago, as appears from the old plan, a considerable stream. It is shown to have had its source in the direction of Lylesland and the Gleniffer Braes, and flowed in a somewhat tortuous course through the south-eastern part of the Burgh, skirting the feus in the Mustard Yard, and through the orchards to the Bladda, where it fell into the Cart. There are witnesses yet alive who can attest its purity in their early days, and who may have fished in it. The water was used for domestic purposes, and the burn added to the amenity of the district through which it flowed, even at a not remote period. In 1490, it must have been a fine, though not very large stream, useful for bearing the surface drainage to the Cart. Latterly it has so far degenerated in its purity as to become a nuisance, and has (1877) within the last twelve months been bridged over and entirely covered up at its immediate junction with the Cart, and thereby the grounds of the Infirmary and those acquired by the authorities a couple of years ago for the erection of a Convalescent Home have been joined.

III.—The Corsflat Burn.

This burn is shown in the plan to have had its source east of the Burgh, and beyond the lands of Corsflat and Seedhil, and flowed a considerable way along the ancient Monastery wall. It can never have been an important tributary to the Cart, and its principal use would

be to draw off surface drainage. It is now difficult to identify its course. It fell into the Cart at the Laigh Linn below the Seedhill Mills, and nearly opposite to the mouth of the Espedair Burn at Bladda.

IV.—The Torrenti de Sancta Mirini.

Somewhat more important than the Corsflat, the St. Mirin's Burn would appear from the plan to have had its source somewhere west of the old Burgh, in Broomlands ; but its source was probably farther west than that, as at Millarston there was a small stream skirting the yards there on the south and flowing eastwards towards the point in the plan, where the source is shown as being in Broomlands. St. Mirin's Burn must have been useful for domestic purposes to the inhabitants of the Burgh, as it appears to have run through a populous part of it. It skirted the lands of Priors Croft and Wellmeadow after having run through Broomlands, from which point westwards the plan shows no trace of it. It must have drained off the surface water of a large part of the Burgh, and in this respect proved highly useful. It seems to have bounded the feus in the Prior's Croft, now High-street, and also the Laigh Common. Like some of the other tributaries of the Cart, it is not now easily traceable. It flowed into the river near the foot of St. Mirin's Wynd. Now nothing more than a common sewer, it empties itself into the river by a covered passage at the foot of St. Mirin Street.

V.—The Torrenti de Snaudoun.

The Snaudoun Burn is shown to have its source in the Moss lands north and "eist" of Greenhill. It flowed from thence through part of the lands of "Under-the-Wood, Snaudoun Dyke, Common Foot, to and through Kelso Lands and Brum Dyke, into the Cart at Snaudoun." It must have drained a considerable district, for which purpose, if we may judge from the plan, it would be chiefly valuable, not being a large stream.

VI.—The Ockshaw-side Ditch.

This was an insignificant water-course, having its source at the Prætorium at Oakshawhead, and flowing through a part of Oakshawside and Wellmeadow into the Torrenti de Sancta Mirini at Over Common. It would drain the lands through which it passed, but would not otherwise be useful, or add to the amenity of this part of the Burgh.

Streets and Roads.



THE principal streets, vennels, roads, and passages within the Burgh, shown in the Plan of 1490-1545, are—

1. Communt Passaugium De Oxshaw.
2. Publica Via Regia.
3. Vennella.
4. Langate to the Common.
5. St. Mirrin's Wynd.
6. Moss Raw.
7. Passage to the Common of the Burgh.
8. Vinnil.
9. Road leading from the Publica Via Regia to Greenhill, and then along Under-the-Wood to Moss Raw.
10. Bridge of Paisley.

I.—Communt Passaugium De Oxshaw.

This passage led from the Moss Raw—known before the passing of the Police Act for the Burgh as the Wangatend, and now as Moss Street—by the School Wynd, along the summit of Oakshaw, to the Prætorium, and thence by the West Brae to Wellmeadow Street.

II.—Publica Via Regia.

The public thoroughfare, commencing at the west end of the Paisley Bridge across the Cart, and going westward along the Priors Croft and Ocshawside, High Street, Wellmeadow and Broomlands Streets, and Woodside to the Broomlands and Ferguslie.

III.—Vennella.

This vennella, commencing at Saint Mirin's Wynd, runs along "the Orcharts, Mary's Maylind, East Law, and Lylesland," southward—now Causeyside Street.

IV.—Langate to the Common.

Commencing on the west at the Bottom of the Ward, Stobs of Riccartbar, and running along "Gram Land and Quarel Hills," Common Hill, Laigh Common, and Gushet Faulds, it there crosses the Vennella (III.), and in a curved course runs along the Orcharts,

Saucerhill and Bladda, and the Cart at Saucerhill to St. Mirin's Wynd.

V.—Saint Mirin's Wynd.

By which name, and without any extension, it is at present known, and is now in course of being so much improved as to promise to be one of the finest streets in town, from the public buildings now in progress, and every way worthy of bearing the name of Paisley's patron saint.

VI.—Moss Raw or Wangate End.

This street runs from the Cross by Moss Street till it reaches Sneddon, from which it goes in the line of what is now Love Street, Lang and Shortroods, and Nethercommon.

VII.—Passage to the Common of the Burgh.

This seems to have been a path from Oakshaw Street at or near to the Stoney-brae, to the Common lying north of the town.

VIII.—Vinnil.

A road leading from Wellmeadow Street, along the west end of Priors Croft, and through Over Common and Laigh Common, now Lady Lane.

IX.—Road leading from the Publica Via Regia to Greenhill, and thence along Under-the-wood to Moss Raw.

This is the road leading from St. James Street to Greenhill, and by Well Street to Wellmeadow street.


X.—The Old Bridge.

This Bridge, still retaining its name of the Old Bridge, affords communication from the Burgh at the foot of High Street to Gauze Street in the New Town.

We have thus indicated the ancient roads, lanes, and passages for communication from one part of the town to another, as shown in the plan. In 1490, comparatively few, probably not a hundred, buildings were erected along their whole course, these being of an humble description, low and thatched, with few exceptions, but each with a piece of ground attached. The old plan shows other steadings marked off for building purposes. The names of the feuars shown on the plan of 1490, are given in the succeeding paper. In

the making up of the list we have availed ourselves of such help as we find in the plan given some years ago by Mr. David Semple, F.A.S., in his "Saint Mirin." There are many descendants of the first feuars still to be found in the town, and to them especially it will be gratifying to find family names, and to trace back their connection with the first proprietors. We are not, however, writing history, but merely making our readers acquainted with what the plan of 1490 reveals to us, and taking these revelations at what we deem their value. Dry as the details of the plan to many may appear to be, they are nevertheless interesting, and legitimately within the scope of these *County Records*, from our knowledge of its origin, the reason for its compilation, and the information it gives as to the town in the olden time. It has been to us highly interesting, and will prove so, we do not doubt, to many of our readers. It must have cost much labour to glean from the Abbey Chartulary and other sources the information it contained; and although not an old original plan, it must, *quantum valet*, be welcome to all interested in the history of ancient Paisley.

Names of Original Feuars.

AVING described the principal features in this old plan of Paisley, we now give the names of the feuars or vassals in the Burgh at the period from 1490 to 1545, as they appear in the plan on the authority of the charters in the Abbey Chartulary. Any description of the plan would be incomplete without the information the list supplies; and having found considerable satisfaction in being enabled thereby to trace our own family names, paternal and maternal, we trust not a few of our townsmen may experience a similar gratification. Our list will be found to embrace all the names of feuars, according to the plan, with the names of the streets or places in which their feus or steadings were situated.

Among the names of those fifteenth and sixteenth century feuars, many will be found still common among the inhabitants of Paisley,

viz.:—Vrry (Urie), Smith, Quhit (Whyte), M'Nellus (M'Neilledge), Barde (Baird), Simpson, Brown, Scott, Wilson, Hector, Snodgrass, Fiff (Fyfe), Alexander, Luffe (Love), Muir, Steward (Stewart), Schelis (Shields or Chillies), Ross, Logan, Merchell (Marshall), Allanson (Allison), Torner (Turner), Schlater (Sclater), Murray, Moderwell (Motherwell), Crawford (Crawford), Pasley (Paisley), Bellus (Bell), Sympill (Semple), Morsone (Morrison), Talzcoor (Taylor), Wallass (Wallace), Gardenyere (Gardiner).

The first feuar, or No. 1 in the plan, was Johannis Schlater, Senioris, his fen or steading being in the Venella, now the Causey-side, and bounded by that street on the west, and the Torrenti de Espedair on the east. Amongst those who immediately followed him were :—

Robert Moderwell,	Vennella.
David Schlater,	Vennella.
Johannis Schlater, jun.,	Vennella.
Vilelmi Vrry,	Vennella.
Joannis Merchell,	Vennella.
Joannis Hector, senior,	Vennella.
Joannis Hector, junior,	Lelangate de Commoni.
Michaelis Pasley,	Mossraw.
Allani Steward,	Orchart.

The following is a general list of the fenars :—

Oxshawsyde.

Jacobi Vrry.	dni Roberti Vanis.
Roberti Smychth.	Malcomi Barde.
Vilelmi Bulle	Johannis Quarriour.
Roberti Quhit.	Vilelmi Symson.
Johannis Maknellus.	Johannis Quhitfurde.
Johannis Hannakyn.	Semple House.
Jacobi Bulle.	dni Alex. Vilson.
Vilelmi Brown.	Johannis Glowar.
Vilelmi Scott.	Patricii Mosman.

Pryors Croft.

Thome Hectour.	Andree Payntour.
Thome Mathy.	Roberti Caveris.
Roberti Snodgrass.	Johannis Quhitfurde.
Patricii Vilson.	Roberti Quhit.
Johannis Fiff.	Johannis Vane.
David Alexandri.	Vilelmi Vode.
Vilelmi Vode.	Valter Strathy.
Johannis Landalis.	Johannis Alexander.
Johannis Luffe.	Roberti Muiyr.

Vilemi Scott.	Vilemi Steward.
Johannis Brownsid.	Johannis Wischard.
Thome Landalis.	David Alexander.
dni Henrici Mouss.	Ricardi Brigton.

Bridge.

Vilemi Muiyr.	Johannis Steward.
	Vilemi Muiyr.

Saint Mirryn's Vennell.

Vilemi Muiyr.	Lady Priest's House.
The Abbot's Houss.	John Schelis.
Johannis Steward.	Andree Payntour.

Calsayd—Vennella.

Andree Ross or Payntour.	dni Convalli Achynmade.
Johannis Logane.	Vilemi Veyr.
Hugonis Merchell.	Johannis Hector, Senioris.
Hugonis Forrest.	Johannis Allanson.
	Johannis Hector, Junioris.

Longait.

Johannis Allanson.	Johannis Hector, Junioris.
	Johannis Hector, Senioris.

Longait to the Common.

Alexandri Tornor.	David Schlater.
Thomas Quhit.	Johannis Schlater, Junioris.
Johannis Luffe.	Andrea Murray.

Mustardzarde.

Johannis Ray.	Johannis Schlater, jun.
Andree Murray.	Johannis Schlater, sen.

Qua Chamys Land and Mylldam.

Gilchristo Leoch.

Orchart.

Allani Stewart.

Lands upon Kert.

Roberti Moderwell.	Johannis Logane.
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Common Passage on Kert Banks.

Jacobi Moderwell.	Valkmyll.
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Bladozarde.

Jocobo Alged.

Part of Sedhill.

Jacobi Crowford.	de Kylwynnet.
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Moss Gait or Moss Raw.

Stephani Vess. Allani Sundryrland.
 Johannis Alexandri. Roberti Caveris.

Sclat Bank.

Robert Caveris.

Part of Snawdown.

Allani Sutherland. Nigelli Luff.

Kelso Land.

Johannis Tyningane.

Moss Raw.

Michaelis Pasley. Roberti Sympill.
 Alexander Bellur. Johannis Morson.

Common Passage along Kertside to Snawdown Burn.

dni Convalli Achynmaid.
 Ricardi Brigtone. Galving Talzeour.

Oxscharw.

Saint Nicolas Chappel. dni Convalli Achynmaid.

Barnzard.

Andree Wallass. Vilielmi Smyth.
 Johannis Alexanderson. Johannis Arthur.
 Johannis Anderson. Vilelmi Pirry.

*Outfield Land :—**Snawdown.*

Allani Sutherland. Nigelli Luff.

Oxscharweid.

Johannis Quhitfurde. Vilelmi Quhit.

Velmedow.

Jacobi Crawfurde de Kylwynnet

Brumelands.

Roberti Quhit. Johannis Landalis
 Andree Payntour. Roberti Smytcht.
 Thome Landalis. Ricardi Brigtone.
 Johannis Maknellus.

Castleheide.

Johannis Quhitfurde. Thome Mathy.

Gallow Hill.

Johannis Quarriour.

Gravesland.

Johannis Quhitfurde.

Quharrell Hill.

Dni Henrici Mouss, vicar de Kilbarchan.

Gastlaw and Quhitfald.

Malcolmi Gardenyere.	Johannis Fiff.
Johannis Sclater, Jr.	Andree Murray.
Johannis Sclater, Senr.	Malcolmi Gardenyere.
David Sclater.	Alexandri Tornor.

Murrayis Mayling.

Johannis Hannykin.

Guldy Akyre.

Johannis Ray.

Sadhil.

Jacobi Crawford de Kilwynet.

We conclude these notices of the Plan of 1490 and 1545 by referring briefly to the peculiar feudal tenure by booking under which 166 acres of land within the Burgh were originally held, and we will give some of the forms or styles of the various deeds or writings used for completing a title to booked lands. The simplicity of this form compared with that by feu charter, sasine, and confirmation by the superior, whereby the title to other portions of lands within the Burgh was made up, and its comparative cheapness, should have recommended it, and doubtless did, to most of the feuars who had the privilege of holding their lands by this tenure; but during the second and third decades of the present century there was a desire among the feuars to convert this simple and cheap form into the ordinary feudal title, with the object of facilitating the sale of, or burdening their lands, under a mistaken impression that the safety of the purchaser or lender might not have been equally well secured by booking and registration in the Burgh Chartulary. Recent reform in land titles has simplified the feudal title, by getting rid of the cumbrous and expensive interference of the superior; and holding by booking, though it may still be used, is now of comparatively little advantage as regards expense. If, however, at any time the wisdom of our forefathers had led them to bring all the lands within the Burgh under the tenure by booking, the feuars of Paisley would

have been saved enormous expense, and their curious anomalous manner of holding by booking, as it was at first, might have been made extremely simple and inexpensive. Such reform is now, however, not to be desiderated, and the tenure by booking peculiar to Paisley has become rather a matter for the enquiries of the antiquary than important either to proprietors or the legal profession.

Tenure by Booking in the Burgh of Paisley.



TENURE of land by booking is peculiar to Paisley, and is limited to a certain portion of lands within the Burgh called Common Lands, consisting of about 166 acres, as shown on the plan of Paisley to which we have called attention. Originally these lands were possessed by the vassals or tenants of the Monastery of Paisley; and when the rights of the Abbots, and the Lords of Erection, and the Crown were acquired by the Burgh, the Magistrates and Council, as superiors, secured their lands to the holders by a title called booking, instead of Charter and Sasine, under which these lands have since, for the most part, been held. This mode of tenure has some affinity to burgage holding in Royal Burghs, although different in form, being simply a resignation into the hands of the superiors, whereupon the vassal has his title completed by entry in the town books, followed by extract of this booking.

Under this tenure the 166 acres within the Burgh were, by the plan shown to have originally been held, and, to a considerable extent, are still held, although in not a few instances the form of title for the purpose of giving greater facilities by the ordinary feudal title for selling, and particularly for burdening property within the Burgh, has been converted into a feudal holding by Charter and Sasine. Of the form of completing a title by an heir to land within the Burgh, we now give an example, only premising that this mode is at once simple, brief, inexpensive in form, and effectual for con-

stituting a title. We think this form of "Booking" might have deserved the attention of the reformers of our land rights when seeking for a form of investiture possessing the desiderated requisites of simplicity, brevity, and inexpensiveness.

In the year 1698, John Pirrie, maltman in Paisley, died vested in six roods of land at Under-the-Wood, held by the tenure of booking. This land was claimed by his son and heir, John Pirrie, maltman in Paisley, who being served by the Magistrates as heir of his father by Ward of Court, a form of service then and still in use in the Burgh Court, demanded that he should, by the Magistrates and Council, as superiors, be booked and secured in the said land as heir to his father in the usual manner, on payment of composition, which in this case was twenty shillings Scots, or twenty pence sterling. At a meeting of the Town Council, held on the 24th August, 1798, attended by Robt. Pow and James Dunlop, Bailies; Thomas Caldwell, Treasurer; Robert Paisley and Robert Alexander, late Bailies; John White, Robert Paterson, Robert Leggat, Gabriel Wilson, Wm. Lata, and Archibald Arthur, Councillors; John Pirrie was, as son and heir of his deceased father, booked and secured conform to the custom of the Burgh, in all and hâill the said six ruids of land, he making payment to Thomas Caldwell, treasurer, of a composition for entry, and thereupon he asked and took instruments. Being thus booked and secured in the land, the Town Clerk issued the extract booking hereunto appended, and John Pirrie's title was then complete. Our readers who examine this extract booking cannot fail to mark the utter absence of that redundancy of form which, in completing a title under the feudal tenure, and even under the tenure of booking, is now used; and such of them as own land held by feudal tenure, will possibly regret that such a brief form used, and moderate composition and expense paid by John Pirrie, are not brought into use at the present day, even although recent reform in the direction of simplifying forms, and reducing cost of completing a title to heritage held under feudal tenure, has removed to some extent the general and well-grounded complaints against the old system of land rights. The conservation of old forms and unnecessary expense may be supposed to be advocated by the legal profession, but this is a popular fallacy; for lower fees and more frequent transmissions, to which the former system was a great obstacle, have reconquered to the profession any loss they sustained by the recent change; and should

reform in our system of land rights be carried even further by simplifying forms and reducing expense, conveyancers will have little if any cause for regret.

The following is a copy of "The booking of John Pirrie, maltman, as heir to his father, 1698":—

"At Paisley, the twentie forth day of August, sixteen hundred and nynty years.

"Sederunt—Robert Pow and James Dunlope, Baillies; Thomas Caldwell, treasurer; Robert Pasley and Robert Alexander, late Bailies; John Whyte, Robert Patersone, Robert Leggat, Gabriell Wilson, William Lata, and Archibald Arthure, Counsellors.

"The said day, John Pirrie, maltman in Pasley, sone and aire, served by ward of court to the deceist John Pirrie, his father, was by assize served to his said father, who was last booked in the lands under him: Booked and secured conforme to the customs of the said burgh, In All and Hail those sex ruids of land under the wood, Lyand betwixt the lands sometyme pertaining to James Wallace, taylor, and now to —, on the east, and the Loane that goes frae the loanewell to the greenhill on the west pairt, who payed of composition to Thomas Caldwell, treasurer, the sum of twenty shillings Scots money, and grupon asked the Insts. Extractum per me.

"RO: TARBET, Clerk."

In Scotland, we are not acquainted with Copyhold titles to land, so very common in England, which in some respects resemble booking, and differ from feudal and burgage holding. A considerable portion of the 166 acres above mentioned are still held by booking; but not a few of the owners of land held by this simple tenure have applied to the Magistrates and Town Council, as superiors, to have their tenure changed from booking into the feudal tenure by charter and sasine. In some instances, however, the vassals, becoming alive to the advantages of booking, have claimed their right to revert to that mode of tenure; but it has been held by the Supreme Court that a vassal had no such right, the change to a feudal holding by charter and sasine being of the nature of a new contract. This is a subject, however, more likely to receive attention from the legal profession than general readers; but it is curious, and to the owners of property who continue to hold it by booking—and they are not few in number—may have some interest. At all events, from its peculiarity, it must have been often heard of by the public, although neither its principle nor practice could be understood; and therefore we have made it the text of one or two of our numbers in connection with the Abbey Chartulary Plan.

As the most simple way to make non-professional readers understand what tenure by booking means, and how a title to land in that form is completed, we append copies of the forms in use for completing a title to land by purchase, these being (I.) the disposition and conveyance; (II.) the booking following upon the disposition.

I.—Disposition and Conveyance.

I, A, heritable proprietor of the lands and others hereby disposed, in consideration of the sum of £— instantly paid to me by B, of which I discharge the said B, do sell, alienate, and dispone from me, my heirs and successors, to the said B, his heirs and assignees whomsoever, heritably and irredeemably, All and Whole (here describe the lands), with the pertinents, and all my right title and interest, present and future, therein (if there be conditions or burdens affecting the lands, say); but always with and under the real burdens, restrictions, provisions, and obligations specified in an extract booking by the town of Paisley in favour of C. dated and recorded in the register of bookings kept by the Burgh of Paisley, the day of , with entry at the term of ; and I bind and oblige myself and my foresaids to book and secure the said B and his foresaids in the said lands and others, conform to the order and custom of the Burgh of Paisley as to booking of lands within the same, to be holden of and under the Magistrates and Town Council of said Burgh, as representing the community of the same, immediate lawful superiors thereof, in the same manner and for payment of the like feu-duties, and as freely in all respects as I hold or may hold the same; and for expeding the said booking by resignation, I hereby make and constitute , and each of them jointly and severally my lawful and irrevocable procurators, with full power for me and in my name to compare before my immediate lawful superiors of said lands and others, and there by staff and baton, as use is, to resign and surrender, as I hereby resign, renounce, and surrender all and whole the lands and others above disposed, lying bounded and described as foresaid, and here held as repeated *brevitatis causa* (if there are any burdens say, “and with and under the real burdens, restrictions, provisions and obligations, before referred to,) in the hands of my said superiors or their commissioner in their names, having power to receive resignations, and grant new booking thereupon in favour and for new heritable booking of the said lands and others to be made, given, and granted to the said B and his aforesaids, absolutely and irredeemably, in due and competent form as effects, acts, instruments, and documents, in the premises to ask and take, and generally every other thing thereanent to do which to the office of procuratory in such cases is known to belong, ratifying hereby and confirming whatever my said procurators shall lawfully do or cause to be done in the premises in virtue hereof; and I assign the writs, and have delivered the same according to inventory; and I assign the rents; and I bind myself to free and relieve the said B and his foresaids of all feu-duties, casualties, and public burdens; and I grant warrandice; and I consent to registration hereof for preservation. In witness whereof (testing clause in legal form).

II.—Booking upon the foregoing Disposition.

At Paisley, upon the day of 18 , convened in Common Council (here follow the names of the Provost, Bailies, Treasurer, and Councillors of the Burgh of Paisley in the order they stand in the sederunt of meeting of Council, at which booking is expedie), on which day appeared one of the town officers of Paisley as procurator and attorney for, and in name of A, specially constituted by virtue of the procuratory contained in the disposition after-mentioned, and exhibited and produced to the said Provost, Bailies, Treasurer, and Councillors a disposition dated the day of 185 , whereby the said A sold, alienated, and disposed from him, his heirs and successors, to B, his heirs and assignees whomsoever, heritably and irredeemably, all and whole (here insert the description of the lands conveyed), and if they are held under burdens, &c., say (“but always with and under the real burdens, restrictions, provisions, and obligations specified in an extract booking by the town of Paisley in favour of C, dated and recorded in the register of booking kept for the Burgh of Paisley, the day of 185 ”), and the said A bound and obliged himself and his foresaids to book and secure the said B and his foresaids in the said lands and others conform to the order and custom of the Burgh of Paisley, as to booking of lands within the same to be holden of, and under the Magistrates and Town Council of said Burgh, as representing the community of the same, immediate lawful superiors thereof, in the same manner, and for payment of the like feu-duties, and as freely, in all respects, as the said A held, or might hold the same, as the said disposition containing procuratory of resignation for expeding the said booking and other usual clauses, bears; And the said as procurator and attorney foresaid in virtue of the said procuratory of resignation, did, by staff and baton, as use is, resign and surrender all and whole the lands and others above described and disposed, lying bounded and described as aforesaid, and here held as repeated *brevitatis causa*, if there are any burdens, &c., say (“with, and under, the real burdens, restrictions, provisions, and obligations before referred to”) into the hands of the said Provost, Bailies, Treasurer, and Councillors, as representing the community of the said Burgh, immediate lawful superiors of the same, in favour and for new and heritable booking of the said lands and others, to be made, given, and granted to the said B absolutely and irredeemably in due and competent form as effeirs; Of which resignation the said Provost, Bailies, Treasurer, and Councillors accepted by receiving the said symbol of staff and baton into their hands; and the said resignation being thus completed, they delivered back the said staff and baton to the said , who also appeared as procurator and attorney for the said B disponee; and accordingly entered and booked, and hereby enter, book, and secure the said B in all and whole the lands, and others above described and disposed, lying bounded and described as aforesaid, and here held as repeated *brevitatis causa* if there are any burdens, say, (“but always with, and under the real burdens, restrictions, provisions, and obligations before referred to”) conform to the order and custom of the Burgh of Paisley, as to the booking of lands within the same; holding, and to be held, the said lands and others by the said B and his foresaids, of and under the Provost, Bailies, Treasurer, and Councillors of the Burgh of Paisley, and their successors in office, immediate lawful superiors,

for payment to them, or their treasurer, or chamberlain, in their name, at the term of Whity., annually, of the sum of _____ of feu-duty ; and for performance of the usual services of the Burgh, and attendance on their courts when lawfully warned, and these for all burdens, exactions, or secular services whatever, which can be required furth of the same ; saving and excepting always their casualties of superiority conform to law, and the rules and regulations of the Burgh consistent therewith, in the event of new lands and others becoming in non-entry ; and the said B has paid to the treasurer of said Burgh the sum of _____, being the composition for this entry. Whereupon the said _____, as procurator and attorney for the said B, asked and took instruments in the hands of _____, one of the town clerks, and craved extracts.

Extracted from the Records of the Burgh of Paisley, by me, one of the clerks of the said Burgh.

The Vett House of Paisley Abbey.

THE Record Room of Renfrewshire contains many of the writs and title deeds of heritable property within the Burgh of Regality of Paisley, and other parts of the town of Paisley within its Parliamentary boundaries, registered in the Sheriff Court books for preservation or execution. Of the buildings on this property, either within or beyond the Burgh, few have much archæological or historical interest, or, with rare exceptions, claims to great antiquity. At the beginning of the present century, there were some ranges of buildings—of which some of the oldest inhabitants may have recollection—very antiquated, and probably existing from near the time of the original feuing of the Burgh, about the end of the fifteenth century and beginning of the sixteenth. These, however, were removed when improvements in those central parts of the Burgh, Moss Street, and the Cross, were carried out. In Moss Street, a row of very old two-storey buildings ran from the Tolbooth to the Tailors' Land, at School Wynd, within which were the Municipal offices, some shops or booths occupied by the merchants of the town, a hall used on public occasions for meetings or for festivities and dances, and also the meal market—access to hall and the

market being by a wide closs or entry from Moss Street. These old houses were superseded by the present buildings erected by and now belonging to the town. The range at the Cross stood on the site of the present Coffee Room, and consisted of small booths or shops and dwelling-houses of very antiquated form ; and it may still be in the recollection of the "oldest inhabitant" that Mr. George Murdoch, draper, who had occupied one of these shops, and was a well-known citizen and member of the Town Council, was long the tenant of a shop at the south end of the new Coffee Room buildings. His daughter was married to Colonel Downie, who, with his brother, Sir John Downie, were distinguished officers in the British army during the French war, Sir John at same time holding a high rank in the Spanish service. Sir John married a daughter of Mr. Alexander Gibson, Town Clerk ; and both brothers were natives of the town.

The improvements of the streets of the Burgh—already partly effected in St. Mirren Street and elsewhere, and now to be yet more extensively carried out under Parliamentary powers, have swept away some ancient houses, and threaten with destruction more, with which there are associations that will cause some regret at their disappearance. It is, however, fortunate that, so far at least as the Improvement Scheme has yet been developed, it will not touch some houses which, though not so old, are regarded with considerable respect, such as those wherein were born John Wilson, Robert Tannahill, Alexander Wilson, John Henning, and others who, by their genius, have shed a lustre on their native town. The wave of improvement which now so much engages attention and agitates the public mind in the Burgh, has passed over the New Town, and there the very general desire for the removal of old and unsightly buildings, has already been practically shown by the complete clearing away of the whole buildings with which our forefathers, with most deplorable taste, surrounded and shut out from view the Abbey of Paisley. This most commendable change has brought out with great effect the grandeur and fine proportions of this, one of the best examples of ecclesiastical structure in Scotland, and we can now point with justifiable pride to the noble Abbey of Paisley, fully exposed, and forming the grandest and most interesting archæological feature of the town. The admirable bronze statue of Alexander Wilson the ornithologist has found a most desirable site in the corner of the opened-up Abbey

Grounds, which it is to be hoped will yet, when the whole frontage on the north is opened up as far east as Gauze Street, as is intended, afford sites for the proposed monument to Robert Tannahill or to any other of our deceased eminent townsmen who may yet be deemed worthy of such a mark of respect.

In the same street, but by other not less able and public-spirited hands, another improvement is in progress,—the removal of the old buildings on the west side of the street, nearly opposite the Abbey, for a site for a new Town Hall, bestowed on his native town by a deceased member of a most enterprising, successful, and respected Paisley family,—the Clarks of Seedhill. This Town Hall is the gift of the late Mr. George A. Clark, of Newark, New Jersey, who, by his will, devised the sum of £20,000 for its erection; and his munificent liberality is about to be carried into effect, and, if necessary for its satisfactory completion, will, we understand, be generously and liberally supplemented by his brothers, Messrs. James, John, and Stewart Clark. The three premium plans which commended themselves from amongst nearly a hundred competitors, were distinguished alike for their excellence of arrangements and their pictorial effects; and, with the fine site that has been secured, there can be little doubt that an architectural structure will be raised that will admirably serve the convenience of our public gatherings. Such a hall was much desiderated to meet the requirements of the large and ever-increasing population, wealth, and importance of the town; and in bestowing it, Mr. Clark will have erected a lasting memorial of his munificent liberality and regard for the well-being of his townsmen, to which they will long proudly point as one of their greatest local ornaments. But the carrying out this improvement cannot be made without interfering with buildings of great antiquity, which, from their association with the Abbey, possess considerable interest. There are, on the west side of Abbey Close, some remains of the outbuildings of the Abbey, such as the Tennis Court and some of the offices, but so changed and “improved out of existence” as no longer to be identified by even such a penetrating and enlightened antiquary as Mr. David Semple, F.S.A., who has recorded the history of the more modern buildings recently removed from the east side of Abbey Close. There is one building, however, about to be taken away, which has for centuries resisted the destructive influence of time, and the still more destructive ravages of improvers, and which, from its architectural style, seems

to be of coeval date with the family mansion of the ancient family of the Cochranes of Dundonald attached to the Abbey. This is what has traditionally been said to be the Yett or Gate House of the Abbey at the entrance from the road leading from the Old Bridge over the Cart into the avenue or approach to the Abbey and to the family residence of the Dundonald family, now belonging to the Duke of Abercorn. The Yett House is a very ancient-looking two-storey building, extending along the street leading from the bridge, with its east gable to the Abbey Close. The front elevation was, in its style, quite in accordance with the purpose it served, and the building had corbelled gables, a very steep thatched roof, and a back jamb forming the west side of a small court behind, and adjoining what was traditionally known as the Tennis Court. The windows of this back building, before the feuing of the adjoining steadings, would look out upon the Cart and the Old Bridge. The Abbey, according to the map of the County of Renfrew, in the edition of Blaer, published in Amsterdam in 1654, and reproduced in Crawford's *History of Renfrewshire* (1818), had a large orchard and garden lying to the north of it, which were enclosed by a wall described as "one of the most magnificent walls in Great Britain, all built with square stones on both sides about a mile in circuit."

This wall, with part of the fabric of the most ancient portions of the Abbey still existing, was built in the reign of James III. by George Schaw, Abbot of Paisley, A.D., 1484, as appears from the inscription that once appeared on its corner,—

Ya callit ye Abbot Georg of Schawe
 About yis Abbey gart mak yis waw
 A thousande four hundereth zheyr
 Auchty ande fyve, the date but weir
 Pray for his saulis salvacioun
 Yat made this nobil fundacioun

In the old map of the county we have referred to, a building is marked as standing on the site of the Yett House, and the avenue from it to the Abbey is also distinctly shown. The Abbey Grounds are marked as extending from the Cart northwards to near to Gallowhill. The public road to Glasgow ran around the orchard and garden, and led from the bridge to Gallowhill, thence by Wall-neuk to Hillington and Hillhead, and onwards to Glasgow. In this description of the old road, we find the derivation of Wall-

neuk by which part of the town is still known. In Slezer's view of Paisley in 1693, to which we have already referred, we find amongst the surroundings of the Abbey a small building bearing a curious resemblance to the Yett House, as it now stands, set down, having an avenue from it to a building which must mean the Abbey, although the accuracy of its site as there shown is disputable. In this smaller and latter plan the places we have referred to are not so distinctly traced as in the map of Renfrewshire, 1654; but still it sufficiently marks the site of the Yett House.

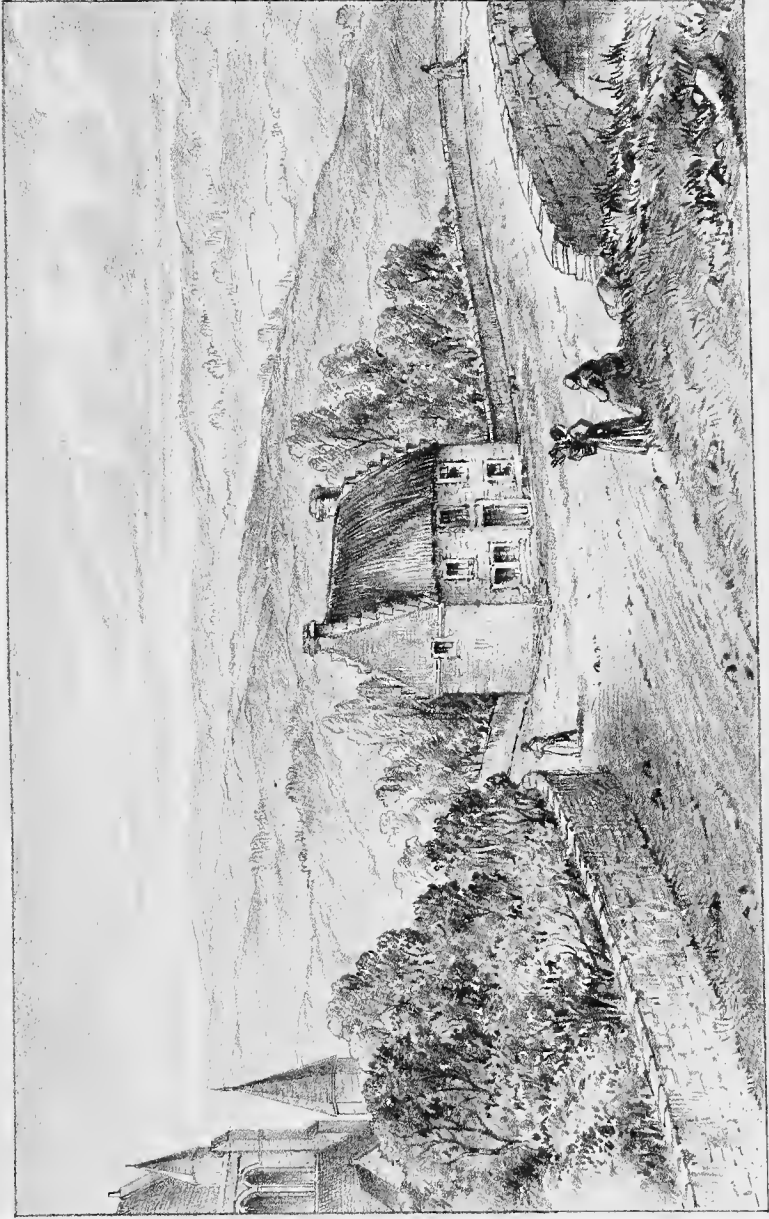
This house, now about to be swept away, bears evident marks in its structure of very considerable antiquity. The style, we have already said, is that of the period when the family residence of the Dundonald family attached to the Abbey was erected, but a much older date may be claimed for it—indeed, the bottle form of the carving of the ribs and lintels of the windows and doors, and the solidity of the walls, the very high roof, the corbel stones of its gable, and the coping of the chimney tops, mark the building to have been erected in the sixteenth, if not the fifteenth century. The site of the House also points to and proves the purpose of the erectors—it stands at the north-west corner of the entrance to the “close” or avenue leading from the Highway to the Abbey and the residence of the Dundonald family, and it adjoins the Tennis Court and other outbuildings of the Abbey, of which there are still some faint traces. From the ragged appearance of the gable at its north-east corner, the House seems to have had an addition to it—probably a narrow staircase, in the form of a round tower, so common in Elizabethan structures.

There is no evidence whatever of a second storey having, as some say, been put on the original building. It is true that two of the back and one of the front windows have been enlarged, and the ancient moulding around them removed, but this has obviously been done recently, for it was necessary in order to accomplish the alteration to remove part of the wall of the back jamb. The house, although neither an extensive nor a grand building, must, three hundred years ago, have been looked upon and described as a stately “Yett House,” such as the one referred to in old chronicles; and surrounded, as it was, on two sides by the Tennis Court and Offices of the Abbey, and standing at the head of the avenue—several of the old county and town plans showing a house there—its identity,

according to the tradition of its being the veritable "Stately Yett House" cannot, we think, be disputed. It has been said to have belonged to Robert Park, a Paisley merchant, nearly two hundred years ago, and that it was then a one storey house. There is no evidence of this, however; and although it may have been feued by Lord Dundonald, to James Moody, Innkeeper, in 1763, about which time the Abbey orchard and garden lands were laid off for feuing purposes, this affords no proof that in older times it had not been used as a Yett House.

In the improvement of our native town we cannot but sympathise, even although the removal of the Yett House,—the place of our birth, and where we spent some of the first years of our life,—makes us feel such a pang as we would when losing sight of an old associate of our very earliest years, and with whom was connected some of our most pleasing recollections. By the kindness of our publishers we have been enabled to give as an illustration to the present paper a view of the old tenement as it must have appeared a couple of centuries ago, when Blaer's map was published.





The Yett House of Paisley Abben



SECTION VII.
MISCELLANEOUS.

An Edict of the Protector, Oliver Cromwell.
1656.

THE old document appended to our present notes will be found to be more curious than important. To us, and we believe the public generally, it is a matter for deep regret that so very few of the old Judicial Records of the county that were placed, and ought now to be, in the Record-room, have resisted the corroding hand of time, or have been lost through neglect, from a feeling in those having charge of them that their importance was not such as to call for their careful preservation. This, however, was a great and fatal mistake, and is now, of course, irremediable. There are few old writings to be found in the Records of a date prior to 1650; and of the period of the Protectorate of Cromwell, almost none remain to tell us of the administration of the law, or to throw light on the general history, or the life, manners, and customs of that interesting time, while such as do exist are not of sufficient interest to warrant their finding a place in our selections.

As an example of the few remaining documents of that time, we append one which bears to be "Ane charge to enter Aire Mitchell agt Mitchell." It is dated 9th July, 1656; has the seal attached of the commissioners appointed for administration of justice to the people in Scotland, and bears the signature "Ro. Wallace," and is stated to have been "written be Everard Jaffray my [his] servitor." The document is an edict by "Oliver, Lord Protector of ye Common-wealth of England, Scotland, and Ireland, and ye Dominions yrunto belonging," is addressed to "Messrs. our

Judges in that pairt conjly and severail specially constitut," and was raised at the instance of "James Mitchell, merchant in Hamilton, against Mitchell, Barnford, eldest lawful son and apparant aire to umqll John Mitchell of Barnford, his father, and his tutors and curators, gif he any hae, for yair interest;" and the object sought to be attained by the edict is to compel the "said Mitchell to enter Aire to his Father, which he wrongfully lyes past and will not enter, and he and his Tutors and Curators, for his interest, ought therefore to be compelled." The edict grants warrant for summoning Mitchell and his tutors and curators, by edictal citation, at the Mercat Cross or other places necessary, in terms of Act of Parliament, and requiring him to enter heir to his deceased father, John Mitchell of Barnford, with certification, in case of failure, that the complainer, Mitchell, would have all the rights and powers competent to him in any actions or processes intended or raised by him against Mitchell and his tutors and curators, as if he was so entered. There is nothing very interesting in such proceedings; and the only purpose of our publication of the edict is to bring before our readers a legal document, dated three hundred and twenty years ago, issued in name of the Protector by the Commissioners appointed by him for administering justice to the people of Scotland, who thus seem to have been substituted for the Court of Council and Session, with whom the jurisdiction in such a case would otherwise have rested. Mitchell, the defender, appears to have owned the estate, whatever that was, of Barnford, —a name still attaching to lands in Inchinnan parish, Renfrewshire; and the edict being found among the Judicial Records of the Sheriff Court of the county, the question may in some form have been before the Sheriff.

COPY EDICT.

Oliver, Lord Protector of ye Commonwealth of England, Scotland, and Ireland, and Dominyons thereto belonging, To Messrs. our Judges in that part called Scotland, severally constitute, greitting: Whereas it is humbly meant and shawen to me, be James Michell, merchand in Hamiltoun, That whair ye said complener has dyvers and sundrie actions and claims competent to him to intent and pursue alsewell before our Commissioners for Administration of Justice to ye people in Scotland as other Judges ordinar within his nationne, against Michell, now of Barnford, Eldest lawl son and appearant aire to umqll John Michell of Barnford, his father, nevertheless ye said Michell, now of Barnford, and his several tutors and curators, gif he anie has, for yair entrest, wrongfully Lyes past and will not enter aire to ye said

umqll John Michell of Barnford, his father, to ye effect ye said compleaner may intent and pursue all and sundrie actionnes and compts competent to him against ye said

Michell, as aire foresaid to his said deceast father, and his saids tutors and curators, gif he anie hae, for yair entrest without yea be compellit as is alledgit ; OUR *Will is*, therefore, and we charge you straitly and command, that meantime at ye mercat tyme ye pass and in our name and authoritie command and charge ye said

Michell, eldest lawl sonne and appearand aire foresd to ye said umqll John Michell of Barnford, personallie or at his dwelling place, and his saids tutors and curators gif he anie hae, for yair entrest, be open proclamation at ye mercat cross of ye Burrough of _____ and other places needful, to enter aire to ye said deceasit John Michell of Barnford, his father, to ye effect aforesaid, upon certain days next after they sall be charged be you yairto, conform to ye Act of Parliament, with certificatione to ye sd

Michell and his saids tutors and curators, gif he anie hae, for your entrest gif ye failzie yairuntill and enter not aire to ye sd umqll John Michell, yr father, whereby ye said compleynerd sall have all good actionne, process, and contentions against the sd

Michell and his saids tutors and curators, gif ye anie hae, for their entrest, as yf he were entered aire to his said deceasit father, but hath failzie, notwithstanding that being in manifest defraud of ye sd compleaner and wrongously to his hurt, will not doe ye samin as said is, According to justice as ye sall answer, whilk to doe we committ to you fully and severallie our full power be this our Edict, delyvering samin, to you deuly execut and indorsat, again to ye Bearer. Given under our signet, at Edinr, ye nynth day of July, 1656.

By warrant of the Commissioners for Administration of Justice to ye people in Scotland.

RO. WALLACE.

Written be Everard Jaffray, my servitor.

The letters V and TOR being legible on wax seal attached to the edict.

The Voluntary Principle, 1659.



ANNEXED hereto is a curious legal document, bearing date the 21st December, 1659, on which there is endorsed as follows:—"Decreet Daldillings agt severall persones voluntary contributors to ye Kirke of Dalgene," from which we learn that, upwards of two hundred years ago, a new church being required at Dalgene or Sorn, in the county of Ayr, the inhabitants were called upon voluntarily to contribute towards the cost of its erection ; and, although undoubtedly much less acquainted

with this mode of providing funds for erecting churches than at the present day, the inhabitants of the Parish of Dalgene or Sorn seem to have had enough of the genuine spirit of voluntaryism to cause them generally to respond to this call upon their Christian liberality. Their means, however, were scanty, and it is not therefore surprising to find from this document, that the contributions were exceedingly small—one only being of ten pounds, one of five pounds, three of four pounds, and four of two pounds Scots, while the others ranged from six shillings to two pounds Scots. It would appear that the inhabitants had been assembled together to consider this important matter of building for themselves a place of worship, and that they had, in presence of their minister and other persons, made their voluntary offerings for what was by them thought to be, as it was called by their minister, a pious and laudable work. On the faith of the promises thus made, the building of the church proceeded; and when the walls were built and roof put on, it was necessary to realise the promised funds to meet the cost. Money at this time was by no means abundant; and these voluntary contributions, though apparently small, were, taking into account the value of money, most liberal two hundred years ago. It will be seen from the legal document referred to, that the contributors to this pious work were of all classes; for we find among them heritors, tenants of land, agricultural servants male and female, and labourers, every one, however poor, giving his or her mite. Mr. James Veitch, the minister of the parish, had, unluckily, no Deacons' Court, or any other of those innumerable agencies with which we are in our times so very familiar, to aid him in realising the funds so spontaneously and liberally promised for the building of his church; and therefore some difficulty seems to have been felt in getting the promised voluntary contributions realised.

It appears that fifty of these Dalgene Voluntaries delayed to pay their promised contributions, and the minister and heritors and kirk-session took the unusual course, at least for realising voluntary contributions, of applying to a legal court; and accordingly the fifty defaulters were summoned before John Hadden of Enterkin, and Captain Gibson, two Justices of the Peace for Ayrshire, on the 21st December, 1659, at the instance of "John Reid, of Daldilling, in interest of the kirk session of Dalgene, and remanent heritors and parishoners," for payment of their promised contributions. It is stated in the said document, which is an extract of the decree pro-

nounced against them by the Justices, that they, the defenders, "had become voluntary contributors of the sums therein specified, in presence of the minister and other persons, for helping to pay the charges and expenses of building the kirk of Dalgene, a pious and laudable work, which was nearly finished, both in its walls and roof, and that they had been willing and voluntary contributors, and that it was scandalous and dishonourable for them to refuse or delay to pay to the pursuer, Daldilling, the soumes voluntarily contributed out of their charitable benevolence for completing of the said work." The defenders, being cited personally, all failed to appear, whereupon the Justices gave decree against them for the sums which they had severally promised to pay, and further found each of them liable to the pursuer in the sum of twelve shillings Scots for their contumacy, amounting in whole to six hundred pounds Scots.

The enormous fines thus imposed for contumacy upon the fifty defenders for failing to appear were partly to be applied in payment of the costs of the prosecution, and the balance appropriated "to help to put a bridge over the Blind Burn in the most convenient place for ye people to pass to and fro ye Kirke of Dalgene."

The prosecution was about as irregular in many respects, according to present legal notions, as this exhibition of the Voluntary principle in the parish of Dalgene or Sorn two hundred years ago was extraordinary. The document we print is curious historically, as showing how a church could by the application of the Voluntary principle be erected in 1659, just as it is in so very many instances in 1877; and it will interest our readers, although to them it may appear of less value from not being connected with Renfrewshire. One of Lord Eglinton's agents in Irvine, Mr. James Marshall, was appointed Sheriff Clerk of this county in 1747, and he brought with him to Paisley a number of curious papers, and amongst them the one we now publish; and our readers will remember that we already have had occasion to notice some others of these, and although not relating to our own county, but to the neighbouring county of Ayr, they are still historically valuable, and equally interesting as if the narrated events had occurred in our own district.

The following is a copy of the "Decreet Daldilling agt several persons voluntary contributors to the Kirk of Dalgene":—

"Decreet Daldilling agt severall persones, voluntary contributors to ye Kirke of Dalgene.

"AT A SESSION held at the Burgh of Ayre, the twentie one day of December,

the year of our Lord Sixteen hundred and fifty-nine years, Be the Justices of the Peace after namit, That is to say, John Hadden of Enterkin, and Capt. Gibson, anent the Summons raised at ye instance of John Reid of Daldilling, in interest of the Kirk Session of Dalgene, and remenent heretors and parochioners within the same, against ye persones after named, voluntar contributors of the soumes of money under written in presence of ye minister afterment for the helping to pay ye charges and expenses for building of the Kirke of Dalgene, which is at this day near finished, both in the walls and roof. To witt against William Wilson, in Some; Jannet Taylour, in Smiddieshaw; Margrat Preston, in Crossfit, servitour to Hew Pedine; Andrew Tamson, in Auchinshaw; John Perston, servitour to George Haddane, in Mungoswood; James Hendrie, in Carleith; Jannet Reid, in Walton; John Miller, in Leydsyde, in Harlie; Thomas Whyt, in Mauchlane; Jannet Wilson, sumtyme servitour to The Lady Hallrigg, and daughter to Adam Wilson, in Harlie; James Donald in Machlin; Alexander Campbell, yr; Mungo Campbell, Elder, yr; Mungo Campbell of Nether Place, yr; John Spotswood, Elder, yr; John Willock, in Carleithe; George Willock, yr; James Waining, in Mungoswood; Robert Andro, in Holehouse, servitour, to John Campbell; Abraham Wood in Dalgene; David Wallace, in Hitache; Jennat Lockhart, servitour to John Alexr, in Crofthead; Jennett Jamieson, in Aukhenshaw; James Richmount, in Auchenlaw; John Syme, in Carleath; William Fergusson, in Herne; Andrew Hodge, in Badyend, now in Craigtoncleuch; John Mitchell, in Ten shilling syde; John Aird, in Barloche, son of Alexr Aird, yr; David Boswell, now in Maichheid; Robert Hemphill, in Haigh; James Fisher, in Clari; William Dennistoune, Taylor in Mauchlin; Hugh M'Alpyne, in Walton; William Adam, yr; George Boyd, in Mauchlin; John Syme, in Shawhead; Bessy Reid, in Walton; William Sawyer, in Holehouse; James Reid, in Barnache Hill; George Hendry, yr; William Gibson, yr; John Hunter, in Bogacre; Thomas Ferguson, in Martinhill; Agnes Wood, ther; Adam Miller, in Haigh; Hugh Cowan, in Machlane; Hugh Mair, in Bogwood; Isabel Patterson, in Barnachhill; William Paterson, in Dykesshiel: Voluntar contributors before Mr. James Veitche, Minister at Machlane, as the letters under his hand doth bear, for refusing, or at the least postponing, deferring and delaying to make payment to the said Pursuer in

and to the effect foresaid of the several soumes of money under written voluntarily, contributitt be each of ym, vizt, the said William Wilson, the soume of twelve shillings Scots; the said Jannet Taylour, of the soume of twenty six shillings Scots; the said Margrat Preston, of ye soume of twenty four shillings Scots; the said Andrew Tamson, twenty six shillings Scots; the said John Perston, of ye soume of threttine shillings and four pennies Scots; the said James Hendrie, twenty six shillings and eight pennies Scots; the said Jannet Reid, threttine shillings and four pennies Scots; the said John Miller, eight shillings and four pennies Scots; the said Thomas Whyt, of the soume of threttine shillings and four pennies Scots; the said Jannet Wilson, of the soume of twelve shillings Scots; the said James Donald, of the soume of six shillings Scots; the said Alexander Campbell, of ye soume of twelve shillings Scots; the said Mungo Campbell, elder, of ye soume of four pounds Scots; the said Mungo Campbell of Netherplaise, of the soume of ten pound Scots; the said John Spotswood, of the soume of four pounds Scots; the said John Willock, of the soume of threttie

shillings Scots ; the said John Willock of the soume of threttie shillings Scots; the said James Waining, of the soume of threttie shillings Scots; the said Robert Andro, of ye soume of twentie shillings Scots ; the said Abraham Wood, of the soume of twentie shillings Scots ; the said David Wallace, of the soume of threttie shillings Scots ; the said Jennet Lockhart, of ye soume of twentie six shillings eight pennies Scots ; the said Jennet Jamieson, of ye soume of threttie eight shillings Scots ; the said James Richmount, of ye soume of fourtie shillings Scots ; the said John Syme, of ye soume of twenty four shillings Scots ; the said William Fergusson, of ye soume of fourtie shillings Scots ; the said Andrew Hodge, of ye soume of twentie six shillings Scots ; the said John Mitchell, of ye soume of five pound Scots ; the said John Aird, of ye soume of threttine shillings and four pennies Scots ; the said David Boswell, of ye soume of twelve shillings Scots ; the said Robert Hemphill, of ye soume of four pound Scots ; the said James Fisher, of ye soume of threttine shillings four pennies Scots ; the said William Dennistoune, of ye soume of threttine shillings four pennies Scots ; the said Hugh M'Alpyne, of ye soume of fourtie shillings Scots ; the said William Adam, of ye soume of twentie six shillings and eight pennies Scots ; the said George Boyd, of ye soume of threttine shillings and four pennies Scots ; the said John Syme, of ye soume of fourtie shillings Scots ; the said Bessy Reid, of ye soume of threttie Shillings Scots ; the said William Sawer, of ye soume of eight shillings Scots ; the said James Reid, of ye soume of twentie shillings Scots ; the said George Hendry, of ye soume of sixteen shillings Scots ; the said William Gibson, of ye soume of twentie shillings Scots ; the said John Hunter, of ye soume of twentie-four shillings Scots ; the said Thomas Ferguson, of ye soume of twelve shillings Scots ; the said Agnes Wood, of ye soume of twentie shillings Scots ; the said Adam Miller, of ye soume of twentie shillings Scots ; the said Hugh Cowan, of ye soume of twentie-four shillings Scots ; the said Hugh Mair, of ye soume of threttie shillings Scots ; the said Isabel Patterson, of ye soume of twelve shillings Scots ; the said William Paterson, of ye soume of six shillings and eight pennies Scots, which was contributitt voluntarily befor ye said Master James Veitche, as aforesaid ; the said pursuer compeared befor the said Justices, and the said defenders being personally summoned to this day, and being called and not compeared, wherefore said Justices considering that the foresaid sums were contributitt willinglie be ye foresaid several persons befor ye foresaid minister and several other persones for to help to build ye said Kirke of Dalgene, a pious and laudable work, and that it is scandalous and dishonourable for ye foresaid persones to refuse or delay to pay to the said Pursuer the foresd soumes voluntarily contributitt out of yr charitable benevolence, as said is for completing of the said work (which now is near finished and accomplished) Adjudges and Decerns each of the foresd persones to make payment to ye said Pursuer in

and to the effect foresd of the said several soumes of money

whatsomever contributitt by each of them in manner foresd for advancing of the said good work, and also each of them to make payment to the said prosecutor of ye soume of twelve shillings Scots for their contumacie, they being personally summoned to appear before them this day, and although called had not compeared for defrayment of the said prosecutor, his Court charges, and besides his charges in payment thereof, and to help to put a bridge over the Blind Burn in the most convenient place for ye people to pass to and fro ye said Kirke of Dalgene within

fifteen days next after requiring be a constable under the pain of pointing or imprisoning each of them for the said soumes decrettit against ym as aforesaid, and to be further punished after ye expiry of ye said fifteen days which is to be bestowed and employed also for advancing the said good work and bridge foresaid.

“Extracted by me, J. M'ALLISTER, Clerk of ye Peace.”

Scotch Coins—David II. to Queen Anne.

IN supplement of our notes on the standards of gold and silver coins and names of coins from Edward I. to William and Mary, Series i., p. 281, of *Selections from the County Records*, we now append to this number the names of Scottish coins, from David II. to Queen Anne.

According to Aikman's appendix to his edition of *Buchanan's Scotland*, p. 28, the most ancient coin found was—

The *silver penny* of William the Lion, from whose reign to that of David II. no higher or other denomination of money was coined.

David II. coined *groats*, *half-groats*, *pennies*, and *half-pennies* in silver, but of varying degrees of weight and fineness.

Mary coined *royals*, of x., xx., and xxx. shillings, generally known by the name of the “Crookstone dollar.”

James VI. coined money same as Mary, *merks*, *half-merks*, *quarter-merks*, *half-quarter-merks*, *nobles*, and *half-nobles*.

In or about the year 1600, Scots money was depreciated to one-twelfth of sterling money, and has so continued. In our notes on criminal proceedings, and the amount of assythments, fines, rents, prices, and wages therein referred to, we have shown these in separate columns, giving the two values of sterling and Scotch coins bearing like names, such as pounds, shillings, pence, in use subsequent to 1600, when the relative proportion of the Scotch to the sterling coins in value was fixed.

Charles I., like his father, coined *merks*, *half-merks*, *quarter-merks*, *half-quarter-merks*, *nobles*, and *half-nobles*.

Charles II. coined *four-merk*, *two-merk*, *merk*, and *half-merk-pieces*; *dollar* of the value of fifty-six shillings, *half-dollar*, *quarter-dollar*,

half-quarter-dollar, and *one-sixteenth of a dollar*, value three shillings and sixpence. It has been remarked that these coins are milled and finely executed.

James VII. coined *forty* and *ten shilling pieces*.

William and Mary coined *sixty, forty, twenty, ten*, and *five shilling pieces*.

Queen Anne coined *ten* and *five shilling pieces*.

Certain copper Scotch coins were in circulation before the Union, and were known as—

The *bodle* or *turner*, six to a penny; the *half-penny* or *baubee*, two to a penny.

Some copper Irish and French coins were also in circulation—*Irish half-pennies* and *French doits*—but they were declared unlawful by Act of Council.

There were also some foreign silver coins in use in Scotland, such as the *ducatoon*, value six shillings and twopence. They had passed for five shillings and tenpence only, but being raised to six shillings and twopence by Act of Council, great quantities were brought into the Mint and put out of circulation.

The *dollar*, value four shillings and eightpence, was raised by Act of Council to four shillings and tenpence. They were known as the “bank dollar,” the “wild horse,” the “castle,” and the “wild man’s dollar.”

The *French crown*, raised from four shillings and eightpence to four shillings and tenpence.

French quarter-pieces, which passed for threepence each.

ENGLISH COINS.

Facobins, twenty-seven shillings.

Carolus, twenty-five shillings.

Guinzies, value twenty-two shillings—raised to twenty-three shillings and eightpence, without authority, and therefore called in.

OLD SCOTCH COINS.

Crowns, of James IV. and Mary; and

Mark-pieces, called “fourteens.”

New mark-pieces, Charles I., II., and in some reigns doubles of the last, called

Marks, and raised to half-dollars; and

Four marks, raised also in proportion; and

Half-pieces, at sevenpence ; and
Quarter-pieces, at threepence half-penny.
Crowns and *half-crowns* of King William ; and
Fortypence-pieces.
Twentypence-pieces.
Fivepence-pieces.

A century ago, these were only to be found in the hands of antiquaries.





SECTION VIII.

RENTS, PRICES, ETC., 1730 TO 1750.

Introductory.

IN the first series of our *Selections from the Records of Renfrewshire*, sec. iv., p. 317 *et seq.*, will be found tables of rents of lands and other heritages, wages, prices of farm stock and produce, implements of husbandry and general merchandise, extracted from the judicial proceedings in the Sheriff Court for the period from 1687 to 1730; and being gleaned from such an authentic source, the information thereby given has the merit of indisputable authenticity and reliability, and is consequently valuable and useful for all the purposes for which such information is desiderated, and especially so for facilitating the study of political and social science.

In the present instance we give a short series of tables, as near as possible similar in arrangement, for the twenty years from 1730 to 1750, a remarkable period in our national history, and described by historians to have been a time of transition from a state of paralysis of every interest in the country—agricultural, commercial, and manufacturing—to one of life, improvement, and dawning general prosperity. This change is traceable in our tables by comparison of the prices in the period from 1687 to 1730 with those from 1730 to 1750. Towards the close of the seventeenth century, poverty was so general among the inhabitants of Renfrewshire that, as we have seen, upwards of two hundred persons of all classes, from the owner of land to the labourer, were in one year prosecuted by a Paisley merchant for sums ranging from £1 to £150 Scots, being the prices of articles furnished to them for domestic or personal use; while Crawford, in his history of the county, says that in his time, 1710, everything connected with trade and agriculture was

spiritless and unprofitable. From 1730 to 1750 the rise in prices is very noticeable, and is indicative of that general improvement in the condition of the country which marked the last half of the eighteenth and more especially what is past of the nineteenth century.

Besides these tables illustrative of the general condition of the agricultural and urban populations, and of the necessaries or luxuries of life within their reach, we give, as not less interesting, the rents of several of our old Renfrewshire estates, and the inventories of the furniture and plenishing of the Castlesemple and Blackstone families, besides a copy of the accounts of the expenses incurred at the funeral of Robert Semple of Balgreen, Sheriff-Depute of the County, partly as illustrative of the family economy of the better classes of the period, and in fulfilment of the promise made while narrating the history of the families in an earlier section of the volume.

Rents of Maillings or Farms in Lower, Middle, and Upper parts of Renfrewshire.

IN pursuance of our purpose to make our readers acquainted with the rents of lands in the county at various periods, from the middle of the seventeenth century down to the present time, that they may mark their great progressive increase, we now publish, from official documents, rents, at various periods from 1697 to 1725, of lands on the estate of Duchall, then belonging to the Porterfields of that Ilk, and now to Sir Michael R. Shaw Stewart, Baronet, of Blackhall and Ardgowan, and Colonel Carrick Buchanan, of Drumpellier and Finlaystone; also of the lands and estate of Ferguslie, and of lands on the estate of Hawkhead, and of Fingalton in Mearns, these several estates being situated in the lower, middle, and upper parts of the County:—

DUCHALL RENTS AND CROP, 1725.

	Scots.	Stg.
Auchenfoyle, Kilmalcolm,	£120 0 0	£10 0 0
Hillside,	60 0 0	5 0 0

	Scots.	Stg.
Dippings,	£58 6 8	£4 17 2½
Casualty—Bere, 1 Boll.		
Dippings,	58 6 8	4 17 2½
Casualty—Bere, 1 boll.		
Dippings,	40 0 0	3 6 8
Dippings,	40 0 0	3 6 8
Burnbank,	50 0 0	4 3 4
Side,	20 0 0	1 13 4
Casualty—4 bolls meal.		
Side, part of,	20 0 0	1 13 4
Casualty—4 bolls meal.		
Side, part of,	24 0 0	2 0 0
Casualty—4 bolls meal.		
Green,	15 13 4	1 6 1¼
Mutehill,	30 0 0	2 10 0
Casualty—4 bolls meal.		
Bridge End, part of,	36 0 0	3 0 0
Casualty—4 bolls meal.		
Bridge End, part of,	36 0 0	3 0 0
Casualty—4 bolls meal.		
Eyeswood,	52 0 0	4 6 8
Casualty—6 bolls meal.		

LANDS ON HAWKHEAD ESTATE, 1697.

Blackhall, Abbey, 10 acres, ⅓ acre,	£12 0 0	£1 0 0
Dykebar, ,, 4 ,, ,,	6 6 8	0 10 6½
Hawkhead, ,, 4 ,, ,,	12 0 0	1 0 0
Dykebar, ,, 5 ,, ,,	21 4 0	1 15 4
Dykebar, ,, 6 ,, ,,	6 0 0	0 10 0
Patterhill, ,, 10 ,, ,,	24 0 0	2 0 0
Brigburn, ,, 7 ,, ,,	4 4 0	0 7 0
Burnside, ,, 3 ,, ,,	7 0 0	0 11 8
Thornlie, ,, 2 ,, ,,	25 4 0	2 2 0

ESTATE OF FERGLISIE.

Year and Crop, 1717.

Crukfinnoch of Ferguslie,	£72 0 0	£6 0 0
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Year and Crop, 1719.

Back of the Hill,	£47 13 4	£3 19 5¼
Casualties—4 bolls meal, 3 pecks mattar bere, 9 hens, 4 days man and horse, 4 days of ane man.		
Craigs of Ferguslie,	58 0 0	4 16 8
Commore,	120 0 0	10 0 0
Casualty—Ane stane of Cheese.		
Corsebar,	86 0 0	7 3 4
Southhills,	23 0 0	1 18 4

	<i>Year and Crop, 1720.</i> Scots.	Stg.
Craigs,	£56 0 0	£4 13 4
Casualties—5 bolls meal, 3 pecks multar bere, 12 hens, 12 criells of peats, 4 days' work of man and horse, 4 days of ane man.		
Craigs of Ferguslie,	48 0 0	4 0 0
Casualties—3 bolls meal, 3 bolls 3 pecks bere, 6 days of man and horse, 6 days of ane man, and 16 criells peats.		
Woodneuk of Ferguslie,	24 0 0	2 0 0
Back of the Hill,	43 6 8	3 12 2½
Casualties—3 bolls meal, 3 bolls 6 pecks bere, 12 hens, 14 criells peats, 4 days man and horse, and 4 days of ane man.		

FINGALTON, MEARNS.

Year and Crop, 1712.

Fingalton,	£120 0 0	£10 0 0
Fingalton Miln,	80 0 0	7 13 4
Casualties—6 hens and 6 capons.		
Langton,	86 0 0	7 3 4
Casualties—8 hens, and leading 4 carts coal.		
Langton,	73 3 8	6 1 11
Langton,	86 0 0	7 3 4
Walton,	120 0 0	10 0 0

ESTATE OF SCOTSTOUN, 1733.

DAVID WARNOCH, Tenant in Mains of Scotstoun.

Silver rent 200 merks, and 12 bolls meal and 10 bolls beer.

JOHN SELLAR, in Easter Scotstoun.

Silver rent 460 merks, and 42 bolls meal and 15 bolls beer.

ROBERT BOWIE, Tenant in Damhead.

Silver rent 450 merks, and 30 bolls meal and 15 bolls beer.

DANIEL CARSE, Innkeeper at Coalhengeh.

18 bolls beer and meal.

JOHN CLARK, Tenant in Damhead.

Silver rent 40 merks.

WILLIAM YOUNG, Tenant in Gateside.

Silver rent £24 Scots (£2 sterling), and 2 bolls beer.

MISCELLANEOUS.

The following rents of tenements and lands, being taken from the Official Records of the County, are authentic and reliable, and will, when compared with the rents from 1680 to 1730, formerly given, enable the student of economical science to see the progres-

sive rise in rents both of lands and houses in the county from 1730 to 1750.

Year and Crop.

	Scots.	Stg.
1732, Miln and Miln Lands of Little Miln on Craighends Estate,	£214 0 0	—£17 16 8
1746, Mailling of Drums—silver rent,	100 0 0	— 8 6 8
and 4 bolls Bere,	40 0 0	— 3 6 8
Four Merks Vicarage,	2 6 1	— 0 3 10
1747, Mailling of Middle Walkinshaw—Silver rent,.....	206 13 4	— 17 4 5¼
and 23 bolls meal at £7 Scots and 8 bolls Bere at £10 Scots,	241 0 0	— 20 1 8
1747, Mailling of Auchinleck,	118 6 8	— 9 17 2¾
1749, Lands of Nether Denniston, Kilmalcolm, Houses and pertinents,	44 4 0	— 3 13 8
1749, Lands and Houses, Horsecraigs, Kilmalcolm, 100 merks,.....	65 8 3	— 5 9 0¼
1749, Mailling of Netherhouses in Lochwinnoch,	14 0 0	— 1 3 4
1749, Lands of Easterbrae or Wallbrae, Ferenzie—silver rent,	46 4 0	— 3 16 8
3 Bolls Bere at £7	21 0 0	— 1 15 0
1750, Lands of High Hole, Lochwinnoch, Four Hens,.....	34 0 0	— 2 16 8
	0 2 0	— 0 0 2
<i>Year.</i>		
1732, House and Yeard, Seedhill, Paisley,	24 0 0	— 2 0 0
1745, Shop in Paisley,	6 0 0	— 0 10 0
1747, Laigh foreshop in Greenock,	31 4 0	— 2 12 0
1748, Dwelling House in Paisley,	6 0 0	— 0 10 0
1749, House in Paisley occupied by a Mason,	26 8 0	— 2 4 0
1749, High Chamber in Wallneuk of Paisley,	7 0 0	— 0 11 8
1750, The same Chamber,	7 16 0	— 0 13 0
1750, Dwelling House in Greenock,	18 0 0	— 1 10 0
1750, Room in New Street of Paisley,	12 0 0	— 1 0 0

Houston Estate, Tenants and Rents, 1731.



WE have already (pp. 72-75) in our section relating to "Old County Families," given a brief history of Houston Estate and its successive owners from 1160 down to the year 1877. We now, with the view of showing the steady increase in the value of land during the last century and a

half, publish the names of the tenants and rents and casualties for year and crop 1731.

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
James Patison, in Graeswraes,	60	12	0	5	1	0
<i>Casualties</i> —Fyve bolls meall and two firlots two pecks or ten merks for each boll yrof, one wedder or five merks, twelve load Coals leading one merk one penny halfpenny for each load, twelve kain fowls or fyve shillings for each, six Days Shearing or eight shillings for each, one Days Pleughing or fourty shillings yrfor, two Days harrowing or ten shillings for each, For two bolls one ferlott teind or report Discharge yrof twenty shilling of vicerage, and these for crope 1731.						
Alexander Renfrew, in Garthouse,	34	12	0	2	17	8
<i>Casualties</i> —Three Loads Coals leading or one penny halfpenny for each load and for teind crop 1731 or report Discharge yrof, and to remove from ye sd Land at Candlemass nixt and ye houses and yerd at May day yrafter, unless he find Caution to pay ye sd rent, 1731, and Labour and Sow ye ground for crope 1732.						
John Barr in Parrotholme, rent and casualties, 1731,	79	18	4	6	13	2½
Rent for 1732,	187	13	0	15	12	9
<i>Casualties</i> —Six load Coals and fyve load peats leading, six henns and half a Days plewing or ye pryce forsd as ye rent of ye sd land for crope seventeen hundred & thirty two years, the terms of payment at Whit and Mart nixt, being first come and bygone, and the Defr ought to find Caution to pay ye sd seventy nyne punds 18sh 4d Scots of rent 1731, and to Labour and Sow the ground for crop 1732, or be decerned to remove and to pay ye violent or double rent off the rent forsd for crop 1732 if he fails and continues a violent possession.						

Carried forward, ... £362 15 4 £30 4 7½

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
Brought forward,.....	362	15	4	30	4	7½
James Barr, yr, the lyke rent resting of crop 1731,.....	79	8	4	6	12	4½
William Smyth in Scart,	163	11	8	13	12	7½
<i>Casualties</i> —Twelve load Coalls leading, twelve henns, eleven bolls one firloft meal or pryce forsd and teind to ye minr, or report Discharges as his rent and casualitys crop 1731. Item the lyke rent for crop 1732, the terms of paymt att Whitsunday and Martinmas nixt being first come and bygone.						
Marion Moody, relict of John Holm, in ffodstone, as Intromitter wh his goods and gear,	14	10	0	1	4	2
<i>Casualties</i> —Twelve load Coalls and twelve kane fowls or pryce forsd and teind for crope 1731.						
James Edward in Barfillan, Thomas Clark, yr, and John Fleeming in markys park, jointly and severally,	26	10	0	2	4	2
<i>Casualties</i> —Nyne load Coalls leading, Ten and a half load peats leading, Four bolls meall at nyne stone pr boll or ten mks for each boll, one wedder or Fyve merks Scots yrfore, twelve kain fowls, half a Days ploughing, one days harrowing, one days leading, or ye pryce forsd, and for teind and vicarage, or producing Discharge yroff for crop 1731. In respect he, ye sd John Fleeming, Fyve pound Starleing for the grass crop of markys park, crop 1731.						
John Bartholomew in Swanistoun, for ye said lands, and for Robert yeard and tounhead,	90	0	0	7	10	0
<i>Casualties</i> —Fyften load Coalls leading, ten and a half loads peats leading, twenty four						
Carried forward, £	736	15	4	£61	7	11½

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
Brought forward,.....	736	15	4	61	7	11 1/2
Cane fowls, one boll beer, half a days plowing, or ye pryce forsd, and for teind and vicarage, or reporting Discharge yrof, crop 1731, and to remove at ye terms forsd unless he find Caution in manner a wryn.						
Margaret Paton, Relict of Peter Morton, in Halywalees,	80	0	0	6	13	4
<i>Casualties</i> —Twelve load Coals leading, ten loads peats leading, twenty four Caine fowls, half a days ploughing, one days harrowing, one days leading, or ye pryce forsd, besyde for teind and vicarage, or to produce Discharges yrof, attour re- moving at ye terms forsd, or finding Caution in the terms a wryn.						
Robert Holm in Staby-lee, Fyfty pund Scots, more twelve pund 12sh. Scots, ...	62	12	0	5	4	4
<i>Casualties</i> —Eight Load Coals leading, six Kain fowls, half a days ploughing, or ye pryce forsd, and for teind and vicarage, crop 1731, or to report Dis- charge yrof.						
Walter Alexr in Northmains,	95	15	2	7	19	7 1/2
<i>Casualties</i> — teind, or produce Discharge yrof.						
Archibald Houston in Haircraigs,	50	0	0	4	3	4
<i>Casualties</i> —Six load Coals leading, and six Kain fowls, and crop 1731, or report Discharge.						
Alexander Shirer in midmains,	66	5	0	5	10	5
<i>Casualties</i> —Twelve load Coals, and ten load peats leading, nyne bolls meall, two bolls beer, twelve henns, three stone butter, one days ploughing, at pryces forsd, and to pay or report Discharges, for teinds and vicarage forsd, crop 1731.						
Carried forward,	£1091	7	6	£90	18	11 1/2

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
Brought forward, ...	109	1		90	18	11½
James Barr in midmains,	66	5	0	5	10	5
<i>Casualties</i> —Twelve load Coals and ten load peats leading, nyne bolls meal, two bolls beer, twelve hens, three stone Butter, one days ploughing, or pryces forsd, and or report Discharge of ye ministers teind, crop forsd.						
Marg: Houston in Hardgate,	8	12	3	0	14	4¼
<i>Casualties</i> —Twelve henns or 5sh each, crop forsd.						
John Barr in Halcrags,	19	10	0	1	12	6
<i>Casualties</i> —One boll beer or rate forsd, crop forsd.						
Alexr. Houston in Boagston,	45	0	9	3	15	0¾
<i>Casualties</i> —Eight load Coals leading, two and a half bolls beer, six henns or pryce forsd, and or report Discharge of ye teind, crop forsd.						
James and Matthew Henderson, beyond the hill,	187	13	4	15	12	9½
<i>Casualties</i> —Twenty seven load coals and twenty load peats leading, seven bolls, one firlo one peck meal, four bolls beer, four stone butter, two days ploughing, or pryce as forsd, crop forsd.						
William Neilson in East Barshagery,	40	0	0	3	6	8
<i>Casualties</i> —Nyne load coals and 9 load peats leading, three bolls one firlo 2 peck meal, ane wedder, twelve henns, six Days Shearing, one days plewing, two days harrowing, or pryces forsd, and or report Discharge of ye teind, crop forsd.						
John Wallace in West Barshagery,	40	0	0	3	6	8
<i>Casualties</i> —Three Load Coals and 6 henns, or pryce forsd, and or report Discharge of ye teind, crop forsd. Item the						
Carried forward, £	1498	8	10	£	124	17 4½

		SILVER RENT.					
		Scots.			Sterling.		
		£	s.	d.	£	s.	d.
Brought forward, ... 1498		8	10		124	17	4 $\frac{5}{8}$
sd John Wallace and Hew Patison, for Arch Wrights possession, £32 19s. 6d. Scots— £2 14s. 11 $\frac{1}{2}$ d. Stg.							
John Henderson in West Barshagery,	86	12	0		7	4	4
<i>Casualties</i> —Nyne load coals and peats leading, five bolls 2 fir 2 pecks meal, one boll beer, one wedder, eighteen hens, six days shearing, one day ploughing, two days harrowing, or pryces forsd, crop forsd, and or report discharge of ye teind.							
Margt Bartholomew in Houstonhead,	100	0	0		8	6	8
<i>Casualties</i> —Ane wedder, twelve henns, ane veall, ane days plewing, or pryces forsd, and for teind, or report Discharge yrof.							
John Forrester in Knockhill,	62	10	0		5	4	2
<i>Casualties</i> —Nyne loads coals, fyve load peats leading, one boll two fir: three pecks meal, twelve henns, ten pund Butter, one Lamb, half a days plewing, or pryces forsd, and or report Discharge of ye teind, crop forsd, more fyfteen pund Scots as ye grass rent of ye fir park of Botherickfield the sd year.							
William Young in Botherickfield,	26	10	0		2	4	2
<i>Casualties</i> —Three load Coals leading, and or report Discharge of ye teind, crop forsd.							
....., Relict of John Bartholomew, in Botherickfield,	75	16	8		6	6	4 $\frac{2}{3}$
<i>Casualties</i> —Fyfteen loads Coals leading, one boll two fir: three pecks meal, twelve henns, three stone and a half Butter, one days plewing, or prices forsd, and nynteen pound 7shs 6d, or report Discharge of ye teind, crop forsd. For yrf she is lyable, as Intrometter with his goods and gear.							
Carried forward, £1849		17	6		£154	3	1 $\frac{1}{2}$

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
Brought forward, ...	18	49		154	3	1½
James Cuming in West Botherickfield, ...	45	0	0	3	15	0
<i>Casualties</i> —Nyne load Coals leading, fyve load peats leading, three bolls one firlott two pecks meal, one stone four pund butter, half a days plewing, or pryce forsd, and nyne pund fyfteen shilling, or report Discharge of ye teind, crop forsd.						
James Gibb in East Barlogan,	56	13	4	4	14	3⅓
<i>Casualties</i> —Twelve load coals, fyve load peats leading, two bolls ane firlott meal, two bolls Beer, one wedder, twelve henns, half a days pleughing, or pryces forsd, and twelve pund seventeen shilling, or report Discharge of ye teind, crop forsd.						
William Moody in _____,	28	6	8	2	7	2⅔
<i>Casualties</i> —Six load Coals, two and a half load peats leading, one boll two pecks meal, one boll beer, half a wedder, six henns, half a days plewing and six pund 8 shg, or report Discharge of ye teind, crop forsd.						
Alexr Laird, there,	28	6	8	2	7	2⅔
<i>Casualties</i> —Six load Coals, two and a half load peats leading, one boll two peck meal, one boll beer, half a wedder, six henns, half a days pleughing, or pryces forsd, and six pund 8 shg, or report Discharge of ye teind, crop forsd.						
John Lindsay in Wester Barfillan,	30	0	0	2	10	0
<i>Casualties</i> —Nyne Load Coals, ten load peats, Four bolls two firlotts meal, one wedder, twelve henns, half a day plewing, one day harrowing, one day leading, or pryces forsd, and nyne pund fyfteen shilling, or report discharge of ye teind.						
James Barclay in West Barfillan,	26	10	0	2	4	2
<i>Casualties</i> —Nyne load Coals, ten load peats leading, two bolls beer, one wedder, twelve						
Carried forward, £2064 14 2 £172 1 2⅓						

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
Brought forward, ...	2064	14	2	172	1	2½
henns, half a days plewing, one day harrowing, one days leading, or pryces forsd, and nyne pund fyfteen shilling, or report Discharge of ye teind, crop forsd.						
Matthew Henderson in East Barfillan, ...	26	10	0	2	4	2
<i>Casualties</i> —Same.						
John Neilson in Mushington,	40	0	0	3	6	8
<i>Casualties</i> —Twelve load Coals leading, ten load peats, six bolls three firlot meal, twelve henns, half a days ploughing, one day leading, or pryces forsd, and ten pund ten shilling, or produce Discharge of ye teind, crop forsd.						
John Hatrige in Wraes,	50	0	0	4	3	4
<i>Casualties</i> .—Twenty load Coals, ten load peats leading, nyne bolls meal, two bolls beer, one wedder, twenty four hens, one days ploughing, or pryces forsd, and twenty pund ten shilling, or produce Discharge of ye teind, crop forsd.						
John Dougall in Crounloft,	24	0	0	2	0	0
<i>Casualties</i> .—Nyne load coals, ten load peats leading, Four bolls two firlots meal, twelve henns, half a day plewing, one day leading, at pryces forsd, and nyne pund fyfteen shilling, or produce Discharge of ye teind, crop forsd.						
William Craige in Waterlee,	66	5	0	5	10	5
<i>Casualties</i> —Eight load Coals leading, one boll two pecks meal, twelve henns, three days shearing att pryces forsd, for sd crop.						
Hugh Cochran in Bruntmailling,	43	6	8	3	12	2⅔
<i>Casualties</i> —Nyne load Coals leading, seven bolls one firlot one peck meal, twelve henns, half a days plewing, at prices forsd, crop forsd.						
Carried forward, £2314 15 10 £192 17 11½						

	SILVER RENT.						
	Scots.			Sterling.			
	£	s.	d.	£	s.	d.	
Brought forward, ...	23	14	15	10	192	17	11 $\frac{5}{8}$
John Martin in Little Cleaves,	28	6	8		2	7	2 $\frac{3}{4}$
<i>Casualties</i> —Three load Coals leading, one boll beer, twelve hens, three days shearing.							
Archibald Houston, in Meikle Cleaves, ...	42	0	0		3	10	0
<i>Casualties</i> —Three load Coals leading, six henns, at price forsd.							
James Craige in Meiklenewton,	66	5	0		5	10	5
<i>Casualties</i> —Twenty one load Coals, ten load peats leading, nynteen bolls one firloft meal, one wedder, twelve henns, one days plewing, at rate forsd, and twenty fyve pund ten shilling, or produce Discharge of ye ministers teind, crop forsd.							
Matthew Barr in Greenhill,	48	0	0		4	0	0
<i>Casualties</i> —Twelve load Coals, ten load peats leading, six bolls beer, one wedder, twenty four henns, six days shearing, one days plewing, one days harrowing, one days leading, at rate forsd, and twelve pund fyfteen shilling, or produce Discharge of the teind, crop forsd.							
John Howie in Houston,	31	1	4		2	11	9 $\frac{1}{2}$
<i>Casualties</i> —Two bolls beer, twelve henns, ten days shearing, ten days work, at rate forsd, crop forsd.							
George Young, in Houston,	23	9	0		1	19	1
<i>Casualties</i> —Two firlofts two pecks beer, one and a half henns, at rate forsd, as his rent for his possession, yr crop forsd.							
Janet M'Alister in Houston,	45	0	0		3	15	0
<i>Casualties</i> —One and a half henns, rate forsd, as her rent for her possession yr, crope forsd.							
John Love in Houston,	39	6	8		3	5	6 $\frac{2}{3}$
<i>Casualties</i> —Ten days work for his possession yr, crope forsd.							
Carried forward, £	2638	4	6	£	219	17	0 $\frac{1}{2}$

	SILVER RENT.					
	Scots.			Sterling.		
	£	s.	d.	£	s.	d.
Brought forward, ...	263	8		219	17	0 1/2
Jean Martin, there,	10	0	0	0	16	8
<i>Casualties</i> —None.						
Matthew Lindsay, there,	24	13	4	2	1	1 1/3
<i>Casualties</i> —None.						
James Gibson, there,	24	0	0	2	0	0
<i>Casualties</i> —None.						
James Wodrow, yr,	8	0	0	0	13	4
<i>Casualties</i> —None.						
John Barr, there,	27	0	0	2	5	0
<i>Casualties</i> —None.						
John Houston, yr, ten pund Scots for his possession yr, crop forsd. Item seven pund ten shilling for John Gibs possession in Carthouse, crop forsd, possessed by you,	17	10	0	1	9	2
Robert Holm, there,	12	12	0	1	1	0
<i>Casualties</i> —None.						
Patrick Barr, there,	12	12	0	1	1	0
<i>Casualties</i> —None.						
James Barr, there, for ane acre land,	7	0	0	0	11	8
<i>Casualties</i> —None.						
William Speir in West Drybourghlaw,	33	2	6	2	15	2 1/2
<i>Casualties</i> .—Three load Coals leading, and six henns, at the rate forsd, crop forsd.						
Matthew Caalddell in Northmains,	72	0	0	6	0	0
<i>Casualties</i> —None.						
	£2886			£240 11 2 1/3		

Thus we find that the rental of Houston Estate, that belonged in 1731 to Sir James Campbell of Houston, was, in silver money, £2886 14s. 4d. Scots, or £240 11s. 2 1/3d. Sterling; and casualties and duties stipulated to be furnished or performed by the tenants as follows:—Meal, 95 bolls, 3 firlots, 3 pecks; bere, 20 1/2 bolls; 9 sheep, 1 lamb, 1 calf, 3 1/2 kain fowls, 16 1/2 days' ploughing, 10

days' harrowing, carting coals and peats 403 loads, 18 days' shearing, and 5 days' leading at harvest.

These large supplies of farm produce and labour from the tenantry on Houston Estate gave some countenance to the plea urged by a large proprietor in Kilmalcolm parish, not entirely divested of his feudal notions, in an action with his tenant, that he (the Laird) was "master" and the tenant "his servant;" for a very large proportion of the produce of every farm must have gone to supply the wants of the proprietor, while, from the remains of the produce of their farms, the tenants had to provide for their "silver rent" and the maintenance of themselves and their families. It would almost appear that making a profit was not taken into account as possible by tenants, or that this was made matter of concern by his "master," and that in reality the agricultural tenant of that period was little better than a labourer working in the employment of and for the benefit of the proprietor; and Wilson, in his *Agriculture of Renfrewshire*, states that many of them occupied no better position.

The rental of Houston Estate, now belonging to Alexander Archibald Speirs, Esq., in the Valuation Roll of the county for 1876, is £6670 9s., shewing the enormous increase in the value of the estate since 1731.

Funeral Expenses of Sheriff Semple.

1726.



IN our notice of the Semples of Balgreen (pp. 62-65), we referred to the fact of Sheriff-Depute Semple, a member of the family, dying poor in 1726 after thirty years' service, and to the action raised by his widow, Mary Edmistoue, against her two sons and their tutors or curators, to have the funeral expenses and the household costs to the next term after his decease made chargeable to the estate. We now publish the following accounts produced with the Summons of Constitution

at Widow Semple's instance against her children and their tutors and curators, the various items giving us reliable evidence of the style and costs of a funeral of one in the social position of Sheriff Depute :—

I.

Accompt of the funerall expence of the deceast Robert Semple, of Balgreen, Sheriff-Depute of Renfrew, debursed by Mary Edmonstoun, his relict.

	Scots mo.
Imprimus To Margaret Stark, conform to a particular accompt,.....	£21 11 00
Itt to Mrs. Houstoun,.....	11 04 06
Itt to Mr. Forth,	12 12 00
Itt to Walter Lothead, baker,	07 11 00
Itt to Mrs. Montgomrie,.....	22 04 00
Itt to Alexander Wilson, wright,	31 08 00
Total,	£106 10 06

II.

Paisley, 10 March, 1726.—Accompt of Ffurnishings By Alexander Wilson, Younger, wright in Pasley, at the Ffuneralls of the Deceast Robert Sempill of Fullwood, Sheriff-Dept of Renfrew.

	Scots mo.
Imprs for making the Chist and Ffurnishing nyne Ells of black cloath for covering the same, with Handles and other necessarys there- annent : In all,.....	£24 00 0
Item pd to William Simpson, Keeper of the morecloath, for the morecloath,	02 00 0
It To the poor,.....	05 08 0
Total,.....	£31 08 0

III.

10 March, 1726.—Accompt of Ffurnishings By John Fforth, Vintner in Pasley, at the funeralls of the Deceas'd Robert Sempill, of Ffullwood, Sheriff-Dept of Renfrew.

	Scots mo.
To Sex Pints of Claret,	£12 12 0

IV.

March 10, 1726.—Accompt of Ffurnishings By Margaret Cotts, Vintner in Pasley, at the deceas'd Robert Sempill, of Ffullwood, Sheriff-Dept of Renfrew, his Ffuneralls.

	Scots mo.
Imprs three pints whyte wyne, at 3 shs str pr pint,	£05 08 0
It to 5 Chop: Brandy, at 16/3 Scots per Chop:	04 00 0
It to two pints ale and on gill Brandy to the makers of the grave, ...	00 06 6
It to the Gravemakers,	01 10 0
	£11 04 6

V.

Mr. Robert Sempell, of belltries, deator for Schref Sempel funeral.

To Mrs Alexander for nesearies as below for Mr. Sempell funeral.

	Scots mo.
8 March 1726.	
2 pund plen basket, at 10 sh,	£1 0 0
On pund amon basket,	1 10 0
On pund spungis,	1 0 0
On pund clow basket,	1 10 0
3 forpet scon, 3 pund bnter, at 4 sh,	0 12 0
4½ dozen eigs, at 2 sh a dozon,	0 9 0
4 pund corins, at 8 sh,	1 12 0
On pund reisans, at 6 sh,	0 6 6
3 quar of amons is,	0 12 0
3 quar of pill sitron, at 2 sh once,	0 12 0
3 pund sugor, at 9 sh is	1 4 0
3 gall brand, ½ once old spes, 4 drop clow,	1 7 0
On pund fin sugor for conden eigs,	0 16 0
On pund besk, at.....	0 10 0
On pund clow besk,	1 10 0
3 forfets flour, at 18 sh a pek, is	0 13 6
For,	0 5 0
	£15 07 0
	3 2 0
	£18 09 0
In holl,	£18 09 0
On per ^{fin} black glove, cost	£1 4 0
On per gloves, for a child,	0 8 0
On hat, cost	1 10 0
	£03 02 0

Received the above accompt, and decherg the same the 22 March, 1726, by me

MARGRAT STARK.

SIR,—Recev according to order. I have endeavored to pleso you as much as I could in macking the scon as short and as reight as cowlde be, my humble servis to your Lady, your obedent servent,

MARGRAT STARK.

Glowl, ye carier, is very displeased that he is keep so long, but I cannot mack great hast.

VI.

10 March, 1726.—Accompt of Furnishing, By Mrs. Margaret Montgomery, Sewster in Pasley, at the deceas'd Robert Sempill, of Ffullwood, Sheriff Dept of Renfrew.

	Scots mo.
Imprs to 23 ells of Creap, at 16 sh per ell,	£18 08 0
It to a pair of Gloves and Knittings,	00 14 0
It to making of the Dead Cloaths,	03 12 0
	£22 14 0

VII.

March 9.—Shrive Shimepell, his account of his Ffunrille Briedd.	Scots mo.
Itm 4 peak of flouer beken,	£03 12 0
It half peak in scone,	00 09 0
It ii pound of butier,	02 04 0
It pound and half coraines,	00 15 0
It 8 shite of peper,	00 01 0
It 6 pence lofe and pint of yeail,	00 08 0
It a once spices for the scone,	00 02 0
	<hr/>
	£07 11 0
It payd to Robert Makomry and Samoull Ross, for carying the buryall letters,	01 10 0
It to Gloud Morstone, karier, for bringing serten necesaries from Glasgow,	00 06 0
	<hr/>

In all, £09 07 0

Pasley, 14th March, 1726.—Then received by the hands of Robert Sempill, of Belltrees, In name of Mary Edmonstone, relict of the sd Deceast, Rob. Sempill, Compleat payt of the above account of Nyne pund seven shilling Scots By me.

WALTER LOCHHEAD.

VIII.

March 8, 1726.—Accompt of furnishings by William Snodgrass, mercht in Pasley, to the ffunarlc of the decesed Robert Sempill, of Ffullwood, Sheriff-Deput of Renfrew.

	Sterling.
to 9 yds of quins crep at 2 sh 2d per yd,	£0 19 6
to 7 ells of fine shallown at 16 sh per ell,	0 09 4
to 2 yds and a qr of cloth at 13 sh per yd,	1 09 3
to 2 ells and 3 qr blak shallown at 16d per ell,	0 03 8
to 2 yds and a half qr blak cloth at 12 sh yd,	1 05 6
to 6 qr blak cloth at 8 sh per yd,	0 12 0
to 4 ells blak sharge at 16d. per ell,	0 05 4
to 1 ell hackram and 1 ell waddin,	0 01 5
to 2 piece stay top and 6 drops silk,	0 01 2
to 3 wins of blak duth thrid,	0 00 9
to ½ win grae thrid, 1d ; 5 qr sharkin, 11d,	0 01 0
to 9 bige bottonds, and 2 dozon small,	0 00 10
to 8 drops blak twist 3d,	0 00 3
to 2 ells ½ blak sharge, at 16d pr ell,	0 03 4
	<hr/>
	£5 13 04
to 2 yds ½ blak cloth, at 8 sh yd,	1 00 0
to 2 ell ½ blak sharge at 16d ell,	00 03 4
	<hr/>
	£06 16 08
to the 2 pattons, for seritors at the ffunarell,	00 5 00

Pasley, March 14th, 1726.—Received from Robert Semple, of Belltres, in name of Marie Edmoston, Relick of said deceased Robert Semple, the sum of five pound seven shillings eight pence half pence sterling money, in part payment of the above account by me,

WM. SNODGRASS.

Note.—This account does not appear among the accounts for funeral charges or mournings, specified in the summons.

Valuation of Lands in Lochwinnoch Parish.

1731.

IN our description of “A Two Years’ Plea regarding a Church Seat” in the Parish of Lochwinnoch, at page 131, we promised to give in the present section a copy *in extenso* of certain historical documents which were produced in the process, and which are of considerable interest, as showing the valuation of lands in the parish in 1731, the amount of accommodation effeiring to the lands, and the allocation of each heritor’s proportion. The documents were found in the custody of Colonel M’Dowall of Castlesemp, the patron, and produced by him, and, consequently, are to be regarded as perfectly authentic. We now annex copies of them, consisting of—

I.

The Valuation of the Lands in Lochwinnoch Parish, 1731, and the number of feet and inches in the Parish Church erected in that year effeiring to the lands, and the measurement of those portions not allocated to the heritors.

	Sq. Feet.	In.
Lands of Glen of Calderhaugh,.....	£2132 19 8	—916 7
Barrony of Sempill,	830 13 4	—356 10
Vassals thereof,.....	413 1 8	—177 11
Barr’s vassals,.....	414 9 2	—177 11
Marquiss of Clydesdale,.....	567 10 0	—243 10
Gavan & Risk,.....	516 13 4	—221 11
Auchinbathie Wallace,	402 0 0	—172 10
Auchinbathie Blair,	384 0 0	—165 5
Ralstone,	140 16 8	— 60 4
His vassals,.....	192 10 0	— 82 9

		Sq. Feet.	In.	
Craigmuir,	£133	6	8—57	5
Dundonnald,	100	0	0—42	11
Auchingowan Stewart,	366	13	4—157	6
<hr/>				
Total, Barr's excluded,	£6594	13	8	
Sacrament tables, 240 feet, whereof is taken off 105 for moveable seats—remains,		135	0	
Pulpit, elders', and baptism seats,		68	0	
Minr.'s seat, 28 feet—entry at his door, 9 feet,		37	0	
Stairs and entries at east and west ends,		254	0	
<hr/>				
Total,		3328	2	

ALEX. PERRY.

II.

MEASUREMENT OF PARISH CHURCH.

	Sq. Feet.	In.
Area of the kirk,	1638	0
East gallery,	416	0
West gallery,	338	0
South isle,	356	8
Do. gallery,	356	8
North isle, gallerie excluded,	223	4
<hr/>		
Contents,	3328	8

III.

CERTIFICATE OF THE SUFFICIENCY OF YE KIRK ACCORDING TO
CONTRACT.

We, James Baird, mason in Paisley, and Robt. Kirkwood, mason in Sunny-acre, being called and desired by the patron and heritors of Lochwinnoch parish, in a meeting this day, to inspect the Parish Kirk, which is lately rebuilt, and compare the same with the undertakers' contract, and give in our condescence thereanent—accordingly, after meeting and inspecting, we find the whole kirk to be built conform to the whole dimensions in the said contract, and that the whole stone and timber work is sufficient, and that in place of the arched window in the south isle, the same is placed on the south side of the east end of the kirk (they say by the managers' directions). Also, we find, over and above the articles contained in the said contract, that the bell-house and deall-place is better than Kilbarchan; also, the south isle door is raised two foot, together with the two laigh windows there, and the stair of said isle repair'd, and the steps of the stair of the west door, which is not contained in the contract. In witness whereof, these pnts., written by John M'Dougall, servant to Colonel M'Dowal of Castle semple, we have subscribed these presents, at Lochwinnoch, the second of February, seventeen hundred and thirty-one years, before these witnesses, James Orr, wright at Lochwinnoch, and the said John M'Dougall.

(Signed)

JAMES ORR, witness.

JOHN M'DOUGALL, witness.

JAMES BAIRD.

R. K.

IV.

MINUTE OF MEETING OF HERITORS.

Lochwinnoch Kirk, the 20th of Aprile, seventeen hundred and thirty-one years,—In terms of an intimation from the pulpit to meet this day for the Barrony of Glen and Calderhaugh to subdivide their seats, in the kirk, sederunt the Laird of Barr, Mr. Robt. Orr, Mr. Robt. Bryden, Millbank, Robt. Bryden, and the generality of the heritors within the Barrony—the Laird of Barr elected preses. In the first place it is agreed that the haill heritors that are entitled to two whole seats or one whole seat and a part of another that the said part is to be taken back, and that each heritor shall otherwise be prefer'd conform to their valuations, and the choice of their situations to be according as they are marked this day; and, for subdividing, hereby nominates and appoints William Cochran of Edge, John Caldwell of Lochside, and James Orr, wright at Lochwinnoch, with the assistance of John M'Dougal, servant to Colonel M'Dowall, to measure off each heritor's proportion in the Barrony accordingly, and mark the proprietors' names on the said seats, and that betwixt and the first day of May next. Signed in presence of the haill heritors, by

ALEXR. HAMILTON.

ALEXR. PERRY.

V.

DIVISION MADE BY ROBERT ORR AND WILLIAM COCHRAN
OF SEATS IN THE KIRK.

Millbank & Robt. Campbell there, 3 first seats, south row, gallery.
 Plantillie, two midle first seats in the gallery.
 2 Burns & the Brodies in Clock, two first seats, north row, gallery.
 Mr. Brodie, Calderhaugh, & Latto there, two first seats south row, below.
 Robt. Fultone, Bailie and Aikenhead baith, 3 & 4th seats, south row below.
 Robt. Brodie, Linthills, & Donald there, two moveable seats.
 John Orr, Jaffralstook, & James Latto, Gavelmoss, two first seats, middle row, below.
 John Kirkwood, Keamhill, & Wilson, Barnock, 3d & 4th seats, midle row, below.
 Robt. Brodie, Fairhill, first seat, north row, below.
 John Aiken, Barnock, 5th seat, south row, below.
 David Brodie, M'Donallie, 6th seat, south row, below.
 James Orr, Midhouse, 5th seat, middle row, below.
 Richie Kers, 2d seat, north row, below.
 Daunie Calderhaugh & James Orr, smith, Lochwinnoch, 7th seat, south row, below.
 Montgomerie, Clock, 3d seat, north row, below, with 5 lib. of Orr, Midhouse.
 Parker, Hill, & Orr, wright, Lochwinnoch, 4th seat, south row, gallery.
 Keer, Beith, & 7 lib. of Brodie's Fairhill, 6th seat middle row, below.
 Orr, Hills, 3d seat, middle row, gallery.
 Holm, Tandlemuir, & Brodie, Artnocks, 4th seat, north row, below.
 Wm. Brodie, Mavisbank, with some of his father's, 4th seat, middle row, gallery.
 Wm. Caldwell, Yard-foot, 3d seat, north row, gallery.

John Clark, Linthills, 5th seat, middle row, gallery, & Tarbot, Lochwinnoch.
 James Orr, Langyard, & Aikenhead, Beith, 7th seat, middle row, below.
 John Aiken, Keam, & Cochran there, & Brodie, Knockbartnock, & Sempill, & Cloak, 4th, 5th, and 6 seat, north row, gallery.
 Wm. Orr, Keam, & Cochran, Barrs, Willson, Barnack, for 2 lib., two stair head, north side, gallery.
 Wm. Cochran, Edge, and William Latto, Gavelmoss, 8th seat, middle row, below.
 Wm. Kirkwood, Lang-yard, and Flimings, Old-yard, 8th seat, south-west, below.
 Wm. Glen, Gillsyard, & Caldwell, Yardfoot, for something he wants, 6th seat, middle row, gallery.
 John Blackburn, Sanistone, & Jamieson, Cowenstone, 5th seat, north row, below.
 Margt. & Janet Glens, Gillsyard, & Janet Aiken, Auchenhcan, 6th seat, south row, gallery.
 Jo. Alexander, for Knock Bartnock Latay, & Jamieson, Millbank, & Cochran, Johnshill, 9th seat, south row, below.
 Robt. Fultone, Bailie, Andrew Brodie, Longcroft, and 7 lib. that Longyard wants, 3d & 4th seat, south row, below.
 Wm. Lattay, Gavelmoss, is to put up a little seat of 4 foot long, behind the middle row of seats, below.


ROBERT ORR.

WILL. COCHRAN.

Extracted by me,—ALEXR. PERRY.

Plenishing of Castleseuple.

1748.

N our paper on the "M'Dowall's of Castleseuple," (pp. 67-72,) we promised to give *in extenso* in the present section, the Inventory of the Household Plenishing of the family at the death of Colonel William M'Dowall, in 1748. The thoroughness with which the Inventory seems to have been taken makes it all the more satisfactory to those who like to have a peep into the social comforts of the County families of the period.

Pewter Articles in Kitchen.

26 Pleats, large and small.

78 Plain Trunchers.

- 18 Soup Trunchers.
- 1 Dozen Watter Pleats.
- 2 Bassins.
- 2 Jugs.
- Bed Pan.
- 2 Flaggons.
- 1 Pint Stoup, 1 Chopine, 1 Mutchkine.
- 3 Covers for Dishes.
- 6 Old plain Pleats.
- 7 Soup Pleats.
- 1 Dozen new Pleats.

In Mrs. M^cKell, Housekeeper's Room.

- 3 Gilt China Pleats.
- 1 Dozen Trunchers.
- 3 Blue and White Dishes.
- 11 Blue and White Cups.
- 2 Cracet Bowls.
- 6 Coloured Jacklet Cups.
- 5 Spoons for Tea or Pickles.
- Large Gilt China Bowl.
- Brown Stone Milk Pott and Jug.
- 1 ½ Dozens Small do. Trunchers.
- 5 Little China Cups.
- 27 Water Glasses and Pleats.
- Ten Flowered Drinking Glasses.
- ½ Dozen Small Dram Glasses.
- 12 Tea Cannisters.
- 1 China Bowl.
- 2 Little Bowls and 2 Small Flowered China Bowls.
- 21 Breakfast Cups and 24 Saucers, blew and white china.
- Blew and White Sugar Box, Little Bowl.
- 7 Cups and 3 Saucers, blew and white.
- Blew and White Delph Bowl.
- 3 White Stone Tea Pots.
- ½ Dozen Pairs Snuffers and Flats.
- 3 Stone Decanters and 3 Sauce Cups.
- Blew and White Delph Basson.
- 2 Doz. and 7 same Trunchers, various kinds.
- 17 Broken Pleats.
- 3 Glass Cruets.
- 11 Trunchers.
- 6 Coloured Cups and Saucers.
- 1 Brown Milk Pott.
- 1 Pleat.
- 2 Tea Pots.
- 15 Delph Dishes, all sizes.

Total value, £12 9s. 11d.

In Dark Closet called the Library.

Reymer's Fædria Angliæ, £20.
 Several small Books valued at £15.

In same Room.

10 Chopine Bottles Clarett.
 4 Doz : 8 Bottles Sururb.
 5 Bottles Clarett.
 5 Mutchkin Bottles Citron Watters.
 21 Chopine Bottles Rack.
 7 Chopine Bottles Fountenack.
 5 Dozen and 4 Chopine Bottles Madera.
 22 Mutchkine Bottles and 6 Dozen and 4 Bottles Rum.
 The whole valued at £17 16s. 8d.

Silver Pleat.

The Silver Pleat at Castleseuple, being weighted, amounts
 to 35 lbs., at 5s. 4d. per oz., £149 6 8
 1 Case Breakfast Knifes and Forks in a Shagreen Case ;
 24 Old Silver-hafted Knifes and Forks ; and 23 Silver
 Knifes in a Shagreen Case, some of them worn out, ... 16 0 0
 1 Empty Shagreen Case, 0 4 0
 1 Gold Watch, 13 0 0
 1 Silver Pick Tooth, 1 oz., 0 5 4
 1 Pair Silver Shoe and Knee Buckles, 1½ oz., 0 7 8

Large Dining-Room.

1 Large Wallnutt Tree Table, £0 15 0
 12 Chairs of Alam (Elm), 4 4 0
 1 Bagammon Table, with Men, Boxes, and Dice, 0 8 0
 1 Chimney (Grate) and Furniture, 0 18 0

£6 5 0

Vestibule.

1 Eight-Day Clock, £4 0 0
 1 Tea Table, 0 6 0
 1 Standing Ladder, 0 2 0
 1 Lanthorn, 0 3 0

£4 11 0

Parlour.

1 Large Looking Glass, £4 0 0
 22 Maps and a Weather Glass, 1 4 0
 1 Mahogany Desk and Cabinet above ye same, 4 0 0
 3 Plain Tree Tables, 2 0 0
 1 Chimney Mounted with Brass and all its Furniture, 1 0 0
 12 Chairs and Ane Arm Chair, 2 0 0
 1 Floor Carpet, 0 15 0

£14 19 0

Green (Bed) Room.

Green Moyhair Bed and Window Hangings,	£12	0	0
6 Fine Wallnutree Chairs and Easie Chair and two Foot- stools,	5	0	0
1 Looking Glass,	4	0	0
1½ Chest Drawers,	1	10	0
1 Doun Bed, 5 stone, at 15s.,	3	15	0
1 Chimney Ornamented with Brass and its Furniture,.....	1	0	0
Oke Covering (Screen),.....	1	0	0
2 Sconces,	0	7	6

Closet.

1 Bedstead and Old Fir Table,	0	10	0
	£29	2	6

West Caligo Room.

1 Caligo Bed and Bedstead,.....	£3	0	0
1 Doun Bed, with Bolster and Pillows, 3 stone, at 11s.,...	1	13	0
1 Doun Bed, Bolster, and Pillows, 5 stone, at 11s.,.....	2	15	0
Chest Mahogany Drawers,	1	10	0
6 Chairs and Easie Do.,.....	1	17	0
2 Easie Chairs and Footstool,	1	19	6
1 Little Looking Glass,.....	0	7	0
1 Chimney Mounted with Brass and its Furniture,	1	0	0
1 Table,	0	9	0
1 Covering, 1½ yards Foot Cloath,	0	10	0
2 Leafs of Wyter Dycks,	0	1	0
1 Chest Mahogany Drawers without Furniture,	1	1	0
1 Japaned Tea Table, with 14 Cups and Pleats and Hand Bowl,	3	2	6
8 Cushions,.....	0	4	0
	£21	11	0

Yeallow Room.

1 Yeallow Moyhair Bed and Window Hangings,.....	£8	0	0
1 Doun Bed, 4 stones at 12s., with Bolster and Pillow, ...	2	8	0
1½ Chest Mahogany Drawers,.....	1	10	0
1 Looking Glass,	4	0	0
4 Chairs, and ane Arm Chair,.....	2	9	0
1 Chimney, mounted with Brass, and its furniture,	1	0	0

Closet.

1 Bedstead,	0	3	0
1 Feather Bed, with 7 Pillows and a Bolster.	0	17	6

£20 9 6

Mr. M'Dowall's Room.

1 Feather Bed, 5½ stones at 10s.,	£2	15	0
1 Cabinet and Table,	0	10	0
4 Chairs,	0	6	0

5 Maps,	£0 2 0
1 Chimney, and Furniture,	0 5 0

£3 18 0

North-West New Room.

2 Chimneys, with Shovels, Pokers, and Tongs,	£2 0 0
1 Old Bedstead,	0 5 0
1 Table,	0 3 0
1 Elbow Chair,	0 7 6
1½ Chest Mahogany Drawers, without Mounting,	1 0 0
4 Maps, and Lord Lovat and Miss Cameron's Pictures, ...	0 10 0
4 Frames of Footstools,	0 8 0
1 Chalf Bed and Feather Bolster,	0 3 0
1 Closs Box without a Pan,	0 1 6

£4 18 0

Bed and Table Linnen.

12 Pair Linnen Sheets,	£12 12 0
4 Pair Old Linnen Sheets,	2 2 0
20 Pair Bolster-Slips, at 3s. per pair,	3 0 0
12 Pair Pillow-Slips, at 1s. 6d.,	0 18 0
12 Pair Pillow-Slips,	0 10 0
5 Pair Pillow Slips,	0 5 0
5 Pair Old Pillow Slips,	0 1 0
18 Pair Holland Sheets, at 3s.,	27 18 0
13 Pair Strachen Sheets, at 4s.,	2 2 0
5 Pair Strachen Sheets, at 15s.,	3 15 0
15 Pair Harn Sheets, at 2s.,	1 10 0

£55 1 0

Omitted in the Back Calligo Room, ½ Chest Drawers, ...	£1 10 0
3 Chairs and ane Arm Chair,	1 2 0
Omitted in Mr. M'Dowall's Room, 1 Looking Glass, ...	0 6 0
Ane Error of a Chimney in Fore Tim Fance, ..	0 2 0
6 Old Pillow-Slips, ..	0 3 0
2½ Harn Sheets,	0 3 4
Gold Servets and gold Tea Napkins and 10 Table Cloaths,	5 5 0
6 Table Cloaths and 1 dozen Napkins,	4 16 0

£13 7 4

4 Table Cloaths, at 18s. per pair, and 3 dozen Napkins, 20s.,	£6 12 0
4 Dozen Pair Table Cloaths, at 16s., and 2 dozen Tea Napkins,	5 18 0
2 Table Cloaths, 12s. per pair, and 2 Dozen Napkins, at 15s.,	2 14 0
2 Table Cloaths, 16s. per pair, and 1 dozen Napkins, at 12s.,	2 4 0
1½ Dozen Tea Napkins, at 6s. per pair,	2 3 0

6 Table Cloaths, at 18s.,	£5 8 0
1 Damask Table Cloath,	0 18 0
18 Table Cloaths, at 12s. per pair,	10 16 0
15 Servets, at 15s. per doz.,	0 18 9
	£28. 15 9

2 Fine Damask Table Cloaths and 2 dozen Servets,	8 0 0
25 Toolls, at 10d. per pair,	1 0 10
21 Toolls,	0 7 0
15 Bird's-eye Toolls,	0 15 0
16 Small Toolls,	0 2 8
6 Coarse Table Cloaths, at 18s. per doz.,	0 9 0
6 Wooll, at 20d. ea.,	0 10 0
12 Basson and 12 Potts,	0 5 0
	£11 9 6

North-West Garrett.

1 Old Chimney and 2 old Wheels and 1 old Cloath-bag, ..	£0 12 6
3 Pair Blanketts with red selvages,	1 10 0
3 Pair Blanketts with blue selvages,	1 0 0
4 Pair Large Milnd Blanketts,	0 16 0
4 Pair Fine English Blanketts,	2 8 0
4 Pair Milnd Blanketts, made in 1737,	0 16 0
14 Pair Blanketts, made in 1747,	4 0 0
7 Pair Blanketts, made in 1743,	2 2 0
3 Pair Blanketts, made in 1728,	1 16 0
3 Pair Blanketts with blue selvages,	1 16 0
10 Pair Blanketts, a kind of English Do.,	4 0 0
11 Pair Half-Blanketts, at 2s. 6d.,	1 7 6
6 Pair Half-Blanketts, at 8s.,	2 8 0
7 Pair Half-Blanketts, at 4s.,	1 8 0
18 Pair Half-Blanketts, very old raggs, at 1s.,	0 18 0
2 Old Calligoe Quilts,	0 5 0
1 Old White Rugg,	0 1 0
1 Old Brown Matt,	0 0 8
3 Old Coverings,	0 1 8
1 Covering,	0 1 6
1 White Calligoe Quilt,	0 15 0
1 Marseled Quilt or Bed-mantle,	3 0 0
	£31 3 4

Body Cloaths in Dark Closet off ye Trance, and in Bed-Room Press.

1 Old Suite White Cloaths, mounted with a silver lace, ...	£1 10 0
1 Old Drab Cloath Coat, Vest, and Bretches,	1 1 0
2 Suite Black Cloaths,	3 0 0
1 Suite Light Drab Cloaths,	3 10 0
1 Light Coloured Coat,	0 15 0

3 Old Cloaks and a Big-coat,	£2 0 0
2 Old Velvet Caps,	0 10 0
1 Pair Boots and Gambados,	0 10 0
1 Pair Old Boots,	0 5 0
16 Ruffed Shirts, very much worn,	6 0 0
4 Night Shirts,	0 12 0
2 Flaning Vests and a Fustine Vest,	0 3 0
8 Cotton Caps,	0 6 0
2 Calligoe Night-Gowns,	1 0 0
6 Pair Course Thread Stockings,	0 10 0
7 Pair Worset and 5 pair Silk Stockings,	1 10 0
4 Old Silk Handkerchiefs,	0 1 0
7 Old Weggis,	0 15 0
4 Pair Shoes and 2 pair Slippers,	0 10 0
18 Old Cambrick Napkins,	0 18 0
	<hr/>
	£25 6 0
A Gold Watch with 2 Cornexban Seals,	£13 0 0
1 Silver Pick Tooth, qt. 1 oz. at 5s. 4d.,	0 5 4
1 Pair Silver Shoe and Knee Buckles, qt. 1½ oz.,	0 7 8
2 Little Boxes,	0 2 0
2¼ Yards Gray Cloath,	0 3 4½
1½ Yards Blue Cloath,	0 1 10½
15¾ Yards Fine Blue Cloath, at 2s. per yd.,	1 11 6
3 Yards Playding,	0 0 9
A Parcel of Bend Leather, valued at	0 10 0
	<hr/>
	£16 2 6

Rent Roll of the Blackstone Estate in 1749.



IN 1750, Alexander Napier died infest, and seised in the lands and Barony of Blackstone, described in his titles as All and Hail the ten-shilling land of old extent, of over and Nether Blackstone, with the tower, fortalice, manor place, houses, biggings, yards, dovecotes, meadows, greens, woods, orcheyards, fishings, muirs, mosses, marshes, and hail parts and pertinents of the same. Item, all and hail the ten-shilling land of old extent of Middleton, and forty-shilling land of old extent of Linwood, with the cruivs and fishings thereof, and hail parts and pertinents lying within the Parish of Kilbarchan; as also, all and hail the green or fence, with the yards and plantations of the same, with the dykes and ditches extending to 4 acres of land or thereby,

part of the lands of Candren in the North, the water called Candren burn, within the parish of Paisley and regalitie thereof. Also, all and hail the corm miln, called carts miln, otherwise Fulton miln, multures, knaveship, sucken, sequells, and others.

From a judicial inventory prepared by Mrs. Marianna Johnstone, relict of the deceased Alexander Napier, and tutrix dative to his only son and heir, Alexander Napier, the rental of the estate of Blackstone for crop and year 1749 was as follows :—

<i>Lands.</i>	LANDS. <i>Tenants.</i>	<i>Rents.</i>
Middleton,	James Sempill,	£25 0 0
25 bolls meal, with the weights and measures of the Barons of Blackstoun, and 24 hens.		
Linwood,	James Kyle,	8 6 8
10 bolls meal, weights and measures foresaid, 12 hens, and 8 days' service of workman.		
Linwood,	John Young,	42 10 0
20 bolls 4 pecks meal, and 5 bolls bear, and 18 hens.		
Boghead,	James Wark,	7 11 1
6 hens.		
Green,	Allan Speir,	17 6 0
12 bolls meal and 5 bolls bear, 24 hens, and 6 days of workman.		
Gowan's Park,	Allan Speir,	6 15 0
The Miln of Cart, Miln Lands, Multures and sequels and lands of Flowers and Sandyhills, ...	John Rodger,	17 10 0
10 bolls of meal, 30 hens, and 3 days' service of ane man.		
Mains of Blackstoun,	Andrew Jackson,	26 13 4
20 bolls meal and 6 hens.		
Puddock-raw,	George Barr,	2 18 4
5 hens.		
Muirhead,	James Stewart,	2 12 0
5 hens.		
Muirhead,	Allan Stewart,	3 8 4
9 hens.		
	GRASS MAILLS.	
Linwood,	John Wilson,	0 18 4
Parks about Mansion House, Little Park,	James Boyd, meal millner, Paisley,	14 5 0
Clover Park, High Park, Moss and Bent Ground, and gar- dener's house and byre, and half of barn,	Matthew Connel,	30 10 0

GROWING CROPS.		
<i>Lands.</i>	<i>Tenants.</i>	<i>Rents.</i>
1 acre 32 falls,	James Sempill,	£2 17 7
2 roods 20 falls,	John Renfrew, merchant, Paisley, ...	3 10 0
Corn on west side of burying ground,		
2 acres 28 falls,	John M'Gowan, Ferguslie,	6 5 8
3 roods 3 falls 3 ells,	Robert Hodgart, Blackstoun,	7 5 0
1 A. 2 R. 10 F. and 3 E.,	William Kelly, merchant, Paisley, ...	3 11 0
1 A. 2 R. 10 F. and 3 E.,	William Kelly,	3 5 0
3 R. 31 F. 3 E.,	William Kelly,	5 13 7
Corn and bear, 1 acre,	James Allan, in Candren,	2 4 0
1 A. 2 R. 20 F. 3 E.,	William Kelly,	9 10 3
2 A. 15 F. and 3 E.,	William Kelly,	10 9 10
1 A. 1 R. 8 F. 4 E.,	William Kelly,	5 4 4
1 R. 30 F. bear,	Robert Hodgart,	
1 A. 2 R. 35 F. bear,	Walter Neilson, New Thorn, Paisley, ..	5 10 1

A considerable part of the rents being payable in meal, there were found in the meal garnels at Blackstone, at Alexander Napier's death—In the big garnel, 48 bolls and 3 pecks; in the north garnel 32 bolls. This meal was sold to Walter Neilson, merchant in Paisley, at 10 merks, or 10s. 5d. sterling per boll. In the middle garnel, 32 bolls kept for use of the family.

The farm produce, cattle, and farming implements were, after the decease of Mr. Alexander Napier, sold by public roup as follows:—

<i>Purchasers.</i>	
4 rucks of hay at 4d. stg. per stone,	Robert Hodgart.
Stack of new hay, 1½d. stg. per stone,	Do.
Old hay stack, and one ruck of clover hay, 4d. stg. per stone,	James Semple.
Ruck of clover hay, 4¾d. stg. per stone,	Robert Hodgart.
Ruck of hay, 4¾d. stg. per stone,	James Sempill.
Ruck of hay, 5½d. stg. per stone,	James Sempill.
Ruck of clover hay, 6d. stg. per stone,	James Sempill.

CATTLE ROUPED.

Black Cow, £3 18s.; brown cow and calf, £4; ane quey, £3 17s.; black quey, £2 2s.; brown horse, £1 13s. 4d.; black horse, £6 7s.; old brown mare, £5.


FARM IMPLEMENTS.

Two ploughs, £1 10s.; cart, 14s.; seven old Hems, 1s. 1d.; 7 timber ploughs, 1s. 8d.; 4 old harrows, 7s. 2d.; rig wuddie, 2s. 9d.; iron chest, 16s. 6d.; 3 stones and 3 lb. weights, 8s. 4d.

In striking contrast to the foregoing rental of Blackstone estate is its rental for crop year 1875-76, exclusive of minerals, amounting to £2490 3s.; and with minerals, £3969 3s.; thus showing the

immense increase of the yearly value of land in the county within little more than a century. The landlord also having now the advantage of his lands being let in large farms, and the difficulty felt in olden times of collecting small amounts of rent from numerous tenants, with a small extent of land in their occupancy, being now unknown.

Furniture and Plenishing of Blackstone House, 1751.

IKE the Inventory of Castlesemple already given, that of the furniture and plenishing of Blackstone House, at as nearly as possible the same period, affords evidence of the comparatively plain and simple notions of domestic comforts of our old County families, as compared with the ostentatious and expensive luxuries of our own time.

BLACKSTONE INVENTORY, 1750.

Dining Room.

In the large dining room one large mahogany eating table, one dozen small chairs with black leather bottoms, two arm'd chairs with same bottoms, with a large polish'd grate, tongs, and pocker. One set of black and white prints, consisting of twenty-five pictures. Scotch matt for floor.

Drawing Room.

In the drawing room one looking glass, six small chairs and two arm'd ones with sow'd bottoms, one polish'd grate, with tongs and pocker, one mahogany tea table. Turkey carpet for floor.

Best Bed Chamber.

In the best bed chamber one bed, with strip'd threed satin curtains, one sow'd silk bed mantle, one looking glass, one half chest of plain-tree drawers, four small chairs, one arm'd chair uncovered in the bottom, one easy chair, one grate, with tongs and pocker. A Scotch matt for floor.

Little Stairhead Room.

One tent bed of figur'd cotton cloath, one small plain-tree dressing table, one grate.

Low Parlour.

One dozen chairs, with brown leather bottoms, one small plain-tree eating

table, one small plain-tree four corner'd table, two sponce looking glasses, one grate, tongs, pocker, shovel, and clate, with a fender, one large oyl cloath upon the floor.

Closet.

In the closet, within the parlour, one tent bed with curtains made of Glasgow plaids, one grate without tongs, a big wheel for spinning wool, three spinning wheels for lint, a cheek reel, pair of swifts for spinning yarn, four lint deckles.

Low Bed Chamber.

One bed, with dark killymanky curtains, with eight old fashion'd timber chairs and two arm'd ones, one small mahogany oval table, one small looking glass, one grate, with a pair of tongs.

West Wing.

One bed, with green worsted stuff curtains, one large dressing glass, one easy chair, one green windsor chair, six chairs with old leathern bottoms, four more of same kind being through the rest of the rooms, one grate, with tongs, pocker, shovel, clate, and fender.

Room above Drawing Room.

One bed with old green and white worsted damask curtains, one old grate, without tongs, one old large plain-tree eating table, one old clock, twa box beds.

Stair Case.

In the stair case a new clock.

Room above Brew-House.

One bed with striped blue and dark-coloured worsted stuff curtains, one close timber bed, one old grate, one old folding table, one little table.

Kitchen.

One large iron grate, one pair of raks, two spits, five iron pots large and small, one copper sauce pan, two copper goblet pans, one brass pan, two tables, one pewter rack, one white iron dripping pan, a black iron frying pan.

Brew-House.

One large copper kettle, one masking fatt, four working fatts.

Nursery.

Three close beds, three chairs, and four stools.

Room above Kitchen.

Two close beds and two old chairs.

Pantry.

In the pantry one large press, one four corner'd table, two brass pistles and mortiers, one lignumvittie pistle, and seven pair of servants' sheets, two bed twilts, one figured cotton bed mantle, a large press for holding linen.

Napery.

Common sheets twenty-two pair, three half sheets, twenty-two pillow cases,

six pair Holland sheets, three half sheets of Holland, twenty-six common table cloaths, two dozen new coarse servits, one dozen and one half-dozen old ones, nineteen towels, five damask table cloaths, six diaper table cloaths, two dozen and two damask servits, four dozen and four daper servits, five small tea servits. Blankets forty-six pair and nine half ones, whereof a great many old. Feather beds ten, nine bolsters, seventeen pillows.

Pewter and Copper.

Four soup dishes, eight plain dishes, eight ashets, two dozen and one soup plates, four dozen and eleven plain plates, one flagon, one pint stoup, three pair short brass candle sticks, two pair large and a single brass candle stick, copper tea kettle, and chocolate pot.

Silver Plate.

One dozen silver hafted knives and forks, one dozen spoons, all in a shagreen case; one serving spoon, half a dozen old silver spoons, six silver salts, two silver jugs, two small silver salvers, fifteen silver tea spoons.

Fire Arms and Swords.

Three fowling pieces and a rifle gun, two pair small and three pair big holster pistols, two silver-handed swords, two brass-handed cutlasses, and two bayonets.

Laird's Jewellery.

Tortoise shell snuff box with silver rim; two silver watches, one with a tortoise shell case, a diamond ring, a pair of silver shoe buckles and knee buckles, silver clasps for a stock, two pair of stone sleeve buttons.

Tea China.

Tea chest, set of gilded china, of one dozen cups and saucers, six coffee cups, a teapot and plate, a milk pot, a sugar dish, a boat for spoons, bread plate, and one for butter, one slop bowl, one cannister, a brown china pot with a silver stroup, nine blue and white breakfast cups and saucers, a blue and white bowl, black gilded stone teapot, two white stone teapots, two blue and white china punch bowls, two mounted horn punch spoons, one dozen and ten wine glasses, two beer glasses, two tumblers, one wine decanter, two china decanters, three japanned white decanters, one japanned jug, eight glass cups and saucers for water, two sillibub glasses and six jelly glasses, two gardavines with bottles, a lignumvitti ring with casters and cruets.

Table China.

Three large dishes, whereof two clasped; four assets, two clasped; dozen soup plates, two clasped; eighteen plain plates, two clasped.

Delf Ware.

Two large plates, two assets, two dozen plain plates, large bowl, three small bowls.

Cellar.

Two bottle racks, four gross of bottles, three hogsheads, one of Malaga pipe, three half hogsheads, eight small barrels, three beef stands, one wort boyne.

Milk House.

Two milk stoups, ten boynes, one barrel churn with standard, one butter bot, one standing churn, a cheese press, a cheese rack.

Room above Nursery.

One chest of wainscot drawers, two trunks, two chests, writing desk, charter chest.

Harness Room.

Silver velvet houssin and holster capes, embroidered and fringed with silver ; a sealskin houssin and holster capes, a scarlet cloth houssin and holster capes fringed with black ; one demipeak saddle, hunting saddle, old hunting saddle, cloth bag saddle, two mail pinions, double bridle, six common bridles, two eather cloth bags, one cloth bag.

Nota Bene.—That the whole moveables which belonged to said deceased Alexander Napier at the time of his death are given up in this Inventory.

Farm Stock, Produce, etc., 1730 to 1750.



WE now give the prices of farm produce from 1730 to 1750, in continuation of those from 1680 to 1730, quoted in former tabulated statements. At this time the great proportion of the land in Renfrewshire was in pasture. Crawford says that, down to 1710, "the land was in the same condition that it was in the days of Malcom Canmore ;" and from that time till 1730 improvement was hardly perceptible, although greater intercourse with England, after the Union, had made the large proprietors in Scotland acquainted with a more advanced system of agriculture, and made them anxious to extend it to their own country. Before 1750, some progress had been made ; but even in 1795, Wilson tells us in his valuable work, *The Agriculture of Renfrewshire*, that in two of the principal estates, lying contiguous, in the county, not less than a third of the farms were let at under £20 annually, and that ten shillings and twopence per acre was then the average rent of the whole county. In 1750, the average would not exceed a half of that sum, or five shillings per acre.

Within this period we have found no trace of wheat being grown in Renfrewshire, the only grain cultivated being oats, bere, beans, and pease. Nor do we find any mention of rye-grass, turnips, or potatoes. Lint was generally grown, but, from the quantities of seed sold, its cultivation must have been, in most cases, for domes-

tic use—the whirr of the spinning wheel being constantly heard, and was then the only music that greeted the ear on entering a farm house, its produce of linen and woollen yarn being woven into the family linen and blankets, and sometimes hoddan grey cloth, for the attire of both sexes. The food of a farmer's family was then exceedingly circumscribed in variety, and in kind coarse and homely, and, like their clothes, consisted mostly of the produce of the farm; and indeed the condition of the tacksman of a farm was then infinitely worse, as regards work, food, and clothing, than that of hinds at the present day. The profits of a farm of which the rent seldom exceeded £100 Scots, must have been small, and the labour had, in the general case, to be done by the farmer and his family. Money was scarce and proportionably valuable, and the enjoyment of any other liquor than home-brewed ale was reserved for very rare occasions, and almost the only indulgence agriculturists allowed themselves even in this way was at fairs and markets, which they seem to have very regularly attended in large numbers, and where it often happened that “the malt got the upper hand of the meal,” and, as we have already shown, not unfrequently brought them into trouble. In 1749, we find the first notice of a sale of aquavitæ, and then in small quantity, but it increased rapidly thereafter. The manners of the lower classes, among whom the occupiers of small and unproductive farms might be classed, were then rude, and there was seemingly a general proneness to violence when under the excitement either of malt or passion. The comparison of the prices now published with those of preceding periods will show a gradual, although slow, increase; but not until near the end of last century was it such as greatly to influence the condition of the tenant farmer.

PRICES OF FARM PRODUCE.

OATS, per Boll.

Sold at £5 2s., £5 10s., £6, £6 8s. Scots.

<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>	
Scots.	Stg.	Scots.	Stg.	Scots.	Stg.
£6 8.	—£0 10 8	£5 2.	—£0 8 6	£5 15.	—£0 9 9½

MEAL, per Boll.

Sold at £5, £5 2s., £5 4s., £5 10s., £6, £6 2s., £6 5s., £6 8s., £7, £7 4s., £7 7s., £8 4s., £8 5s., £8 8s., £9 12s., £10, £12 Scots.

<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>	
Scots.	Stg.	Scots.	Stg.	Scots.	Stg.
£12.	—£1.	£5.	— 8s. 4d.	£7 5s.	4d., — 12s. 1¼d.

BERE, per Boll.

Sold at £6, £5, £10 11s., £10 10s., £12 10s. Scots.

<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>	
Scots.	Stg.	Scots.	Stg.	Scots.	Stg.
£12 10,	— £1 0 10	£5 2,	— £0 8 6	£8 18 2¼,	— £0 14 10

MALT, per Sack of 6 Firlots.

Sold at £10, £10 16s., £10 18s., £11 12s., £12, £12 4s., £12 12s., £13, Scots.

<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>	
Scots.	Stg.	Scots.	Stg.	Scots.	Stg.
£13,	— 1 1 8	£10,	— £0 16 8	£14 2 9	— £1 3 6¾

HAY.

	Scots.	Stg.
4200 stones sold at, per stone,	2s.	— 2d.
221 stones sold at, per stone,	8s.	— 8d.
Truss sold at,	£1 5s.	—2s. 1d.

STRAW.

Thieve of straw sold at, £1 4s. —2s. od.

Price of Horses, etc.



BEFORE 1730, the highest price at which we have found a horse sold was £8 7s. 1d. sterling, and this was quite an exceptional case; while the highest ordinary prices ranged from £2 10s. to £4 8s. 4d. stg., the average being £3 19s. 1d. In the period from 1730 to 1750, the highest price was £8, but the ordinary prices ranged from £3 to £7 stg., the average being £5 15s. 11d. This very considerable upward progress in the price of horses arose from the demand caused by the general improvement of the country, and, to some extent, perhaps, to better attention being begun to be given to the breeding of horses for the market. Comparing this highest price, £8, in 1730 with the fabulous sums now obtained—£500 not being an unusual price, as got for a superior animal of pure Clydesdale breed, and in some instances even twice this sum—we see to what a high pitch of perfection the breeding of this most valuable and useful, and pre-eminently handsome and powerful variety of the equine species has been brought by enterprising and intelligent breeders in Scotland, and by none more than by those of Renfrewshire, whose fame, like

that of many of their Clydesdales, has gone to the most remote quarters of the globe.

PRICE OF HORSES.

	SCOTS.		STG.	
Horse, gray,	£26	0 0	£2	3 4
Horse,	37	0 0	—	3 6 8
Horse, brown,	72	0 0	—	6 0 0
Horse, entire,	72	0 0	—	6 0 0
Horse, Carriage,	96	0 0	—	8 0 0
Horse, brown—young,	63	0 0	—	5 5 0
Horse, black,	84	0 0	—	7 0 0
Horse,	96	0 0	—	8 0 0
Horse,	87	0 0	—	7 5 0
Horse,	60	18 0	—	5 1 0
Horse,	72	0 0	—	6 0 0
Horse,	78	0 0	—	6 10 0
Horse,	38	0 0	—	3 3 4

HORSES—AVERAGE PRICE.

No.	Highest.		Lowest.		Average.			
Sold.	Scots.	Stg.	Scots.	Stg.	Scots.	Stg.		
16, —	£96	—	£8	—	£2 3 4	—	£69 5 —	£5 15 11

MARES.

	SCOTS.		STG.	
Mare, young,	£36	0 0	£3	0 0
Mare, young,	36	0 0	—	3 0 0
Mare, young,	36	0 0	—	3 0 0
Mare, young,	36	0 0	—	3 0 0
Mare, young,	24	0 0	—	2 0 0
Mare, young,	48	0 0	—	4 0 0
Mare, old,	19	16 0	—	1 13 0
Mare, dun,	72	0 0	—	6 0 0
Mare,	108	0 0	—	9 0 0

VARIOUS.

	SCOTS.		STG.	
Mare and foal,	£42	0 0	£3	10 0
Pony, youth's,	17	8 0	—	1 9 0
Pony, Sheltie,	24	0 0	—	2 0 0
Pony,	12	0 0	—	1 0 0
Pony,	12	0 0	—	1 0 0

GRASS MAIL, 1749.

Horses, each of 5,	£9	0 0	£0	15 0
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PRICES OF SHEEP AND LAMBS.

SHEEP.

	SCOTS.		STG.	
1735,—Sheep—each of 10,	£3	0 0	—	5s.
1745,—Sheep—each of 2,	3	0 0	—	5s.
1747,—Sheep—each of 30,	3	12 0	—	6s.
1748,—Sheep—each of 3,	3	12 0	—	6s.

Average price of sheep,.....5s. 6d. stg.

	LAMBS.	Scots.	STG.
1730,—Lambs—each of 2,	£4	0 0	— 7s.
	GRASS MAILL.	Scots.	STG.
1748,—Sheep—yell,	£0	6 0	— £0 0 6
1749,—Sheep—ewes,	0	8 0	— 0 0 8

Dairy Stock, 1730 to 1750.



S in the case of horses, improvement only became observable in 1730 in the prices of cattle and products of the dairy; but in the twenty years ending in 1750, the average rise in the price of cows, as compared with the preceding twenty years, was about twenty per cent. But prices of cattle continued still very low, and only towards the close of the century had they made any very considerable advance. Since then, the pure Ayrshire breed of milk cows has been introduced into every farm in the county. The price of a first-class cow of that class in 1876 would have purchased the whole stock of cows on a farm in 1730—the difference in prices being as £20 to £1 18s. 4d. stg. Even in 1812, when Wilson wrote, he says, “Through all this county, the dairy is of great importance, and in the upper districts it is the chief object of the farmers’ attention, and is pursued with great success; and, of course, considerable attention has been paid to the breed of cattle. The milk is made into cheese of excellent quality, and meets with a ready sale under the name of Dunlop cheese. The Ayrshire is therefore a most valuable breed; butter, not less than cheese, being much improved.” The cheese made in 1730 must have been of poor quality, compared with the Dunlop cheese Wilson refers to, made in 1812, but had it been possible to produce a specimen of a “kibbuck” of the olden time alongside of a cheese now made in Renfrewshire, and held to be equal to the very best English variety shown at the recent Kilmarnock Cheese Fair and Competition, it would have excited the surprise and curiosity of the great producers of cheese in Ayrshire and Renfrewshire and western counties, whose produce of the dairy, cheese and

butter, were there exhibited in such enormous quantities and of equally surprising fine quality, while it, at same time, would have marked the immense progress in this branch of agriculture within little more than a century.

PRICE OF CATTLE.

Year.	COWS.		Prices.																					
	Scots.	Stg.	Scots.	Stg.																				
1732,—Cow,	sold at £15 0		—	£1 5 0																				
1743,—Cow,	24 0	—	1 17 2																					
„ —Cow,	22 6	—	1 17 2																					
„ —Cow,	24 0	—	2 0 0																					
1745,—Cow, young,	17 0	—	1 8 4																					
„ —Cow, young,	18 0	—	1 10 0																					
1747,—Cow, tidy,	21 0	—	1 15 0																					
1749,—Cow—each of 35,	24 12	—	2 1 0																					
„ —Cow,	18 0	—	1 10 0																					
„ —Cow,	31 0	—	2 11 8																					
„ —Cow,	24 0	—	2 0 0																					
„ —Cow, Highland—each of 10,	39 8	—	3 5 8																					
„ —Cow—each of 12,	17 8	—	1 9 0																					
„ —Cow, fat—each of 3,	27 0	—	2 5 0																					
„ —Cow, milch—each of 7,	22 10	—	1 17 6																					
<table border="0" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><i>Highest.</i></td> <td></td> <td style="text-align: center;"><i>Lowest.</i></td> <td></td> <td style="text-align: center;"><i>Average.</i></td> </tr> <tr> <td>Scots.</td> <td>Sterling.</td> <td>Scots.</td> <td>Sterling.</td> <td>Scots.</td> </tr> <tr> <td>£39</td> <td>— £3 5 8</td> <td>£15</td> <td>— £1 5</td> <td>£23 3</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>— £1 18 ¼</td> </tr> </table>					<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>	Scots.	Sterling.	Scots.	Sterling.	Scots.	£39	— £3 5 8	£15	— £1 5	£23 3					— £1 18 ¼
<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>																				
Scots.	Sterling.	Scots.	Sterling.	Scots.																				
£39	— £3 5 8	£15	— £1 5	£23 3																				
				— £1 18 ¼																				

BULLS.

<i>Highest.</i>		<i>Lowest.</i>		<i>Average.</i>	
Scots.	Sterling.	Scots.	Sterling.	Scots.	Sterling.
£25 4	— £2 2	£22 10	— £1 17 6	£24 1 6	— £1 19

QUEYS AND STIRKS.

	Scots.	Stg.
Queys—each of 3,	£4 16 0	— £0 8 0
Stirks—each of 3,	6 6 0	— 0 10 6
Bullocks—each of 12,	24 0 0	— 2 0 0

CALVES.

	Scots.	Stg.
Each of 14,	£6 6 0	— £0 10 6

GRASS MAILL.

	Scots.	Stg.
1744,—Cow,	6 0 0	— 0 10 0
„ —Cow,	4 0 0	— 0 6 8
1745,—Cow,	6 0 0	— 0 10 0
1746,—Cow,	6 0 0	— 0 10 0
1747,—Quey,	2 12 0	— 0 4 6
1749,—Stirk,	5 3 0	— 0 8 6
„ —Bull,	4 4 0	— 0 7 0

DAIRY PRODUCE.

BUTTER, per lb.,—sold at	£1 2s.,	£2,	£2 12s.	Scots.
„ „ „	1s. 10d.,	4s.,	4s. 4d.,	stg.
CHEESE, per lb.,—sold at	3s. 3d.,	2s. 6d.	3s. 2s. 9d.	Scots.
„ „ „	3d.,	2d.,	3d.,	2¾d., stg.

Servants' Wages,

1730 to 1750.

THE following are the wages of farm servants, male and female, and other wages, from 1730 to 1750, so far as the Judicial Records have revealed them to us. Wilson says that many a farmer, down to so late a period as 1795, kept only one horse, and hired himself and horse for ploughing or harrowing to his neighbours, and this accounts for frequent notices in the Judicial Records of the hire of a horse and a man for a day for these purposes. The wages of farm servants show a slight increase for the period from 1730 to 1750 over the preceding twenty years, and so also tradesmen's wages perceptibly rose. But it must have required much greater economy to enable working men then to struggle through life, even although meal—and they required little else—was low priced. Not many of the comforts, and none of the luxuries, now in use were then within the reach of a working man. The most remarkable fact we have ascertained was the large sale of malt to all classes in small quantities for brewing; and upon home-brewed ale and meal they must have mostly subsisted.

WAGES, 1730 TO 1760.

	FARM SERVANTS.	SCOTS	STG.
1732,—Half-year, male,	£12 Scots and £3 bontadges,	£15 0 0	— £1 5 0
1749,—Half-year, male,	.....	15 0 0	— 1 5 0
„ —Half-year, male,	£9 Scots and £1 16 Scots		
for shoes,		10 16 0	— 0 18 0
„ —Half-year, male,	£10 and £1 16s. for shoes,	11 16 0	— 0 19 8
1750,—Half-year, female,	.....	7 14 0	— 0 12 10

MISCELLANEOUS.

1739,—Barber, for shaving Robert Hodgart, malt-			
man, for a year,		4 16 0	— 0 8 0

	SCOTS.	STG.
1739,—Barber, for shaving John Kibble's man a year,	£2 2 0	—£0 3 5
1749,—Ship carpenter, wages per day,.....	0 18 0	— 0 1 6
„ —Mason, per day, building a new house, with meat and drink,.....	0 6 0	— 0 0 6
„ —Mason, per day,	0 11 0	— 0 0 11
„ —Labourer, cutting hay, per day,	0 12 0	— 0 1 0
„ —Wright, per day,.....	0 12 0	— 0 1 0
„ —Labourer—day in harvest,.....	0 5 0	— 0 0 5
„ —Smith and Farrier, working a pair per stone,	0 13 6	— 0 1 1½
„ —Female, baking a firlot of meal,	0 4 0	— 0 0 4
„ —Man and horse, per day, ploughing,	3 0 0	— 0 5 0
„ —Man and horse, per day, harrowing,	3 0 0	— 0 5 0

Prices of Articles for Personal or Domestic Use and Miscellaneous Articles, 1730 to 1750.



THE table of prices of articles for personal and domestic use, and miscellaneous articles now given, will be found useful when compared with those from 1680 to 1730, in our first series; as showing for the first time in the commercial accounts, lodged in judicial proceedings, from which these prices are taken, the appearance of some articles of luxury, such as tea, and thus indicating a change in the habits of the people, which becomes still more marked by the mention of whisky, under the name of “aquavitæ,” that after 1730, began to be sold in considerable quantities. Contemporaneous with the introduction of whisky or aquavitæ, which has had such great and pernicious influence on the habits of the people of Scotland, the Judicial Records reveal to us a great declension in the consumpt of malt by the people of Renfrewshire for home-brewing of the more wholesome and nutritious “home-brewed ale” which, previous to this period, and for some time afterwards, formed part of the food at every meal of all classes. The careful student of the table now published, will also observe the gradual rise in price of many articles, indicating unmistakeable progress in trade and agriculture. It is in this way, although otherwise dry and uninteresting to readers, that these tables will prove accept-

able ; and the author feels that they form not the least important information which, by his publication of judicial and historical documents, he has been enabled to give the public. It may be proper to add that where various prices have been found of any particular article, the average has generally been quoted.

PARTICULAR ARTICLES FOR PERSONAL OR DOMESTIC USE.

	Scots.			Stg.		
	£	s.	d.	£	s.	d.
Ale, per Gallon,	0	10	0	—	0	0
Ale, Choppin,	0	1	0	—	0	0
Aquavitæ, each of 63 pints, sold by Gavin Ralston, maltman, Paisley,	0	12	0	—	0	1
Aquavitæ, pint,	1	0	0	—	0	1
Aquavitæ, dram,	0	3	0	—	0	0
Aquavitæ, dram,	0	2	6	—	0	0
Apron, fustian,	1	4	0	—	0	2
Augur,	0	12	0	—	0	1
Beef, leg of,	3	12	0	—	0	6
Beef, per stone,	2	0	0	—	0	3
Beef, per stone,	1	16	0	—	0	3
Beef, each of 51 lbs.,	0	3	0	—	0	0
Butter, per stone,	3	0	0	—	0	5
Butter, per lb.,	0	4	6	—	0	0
Butter, per stone,	2	0	0	—	0	3
Barley, per lb.,	0	1	6	—	0	0
Barley, firlo,	2	8	0	—	0	4
Bere, boll,	10	10	0	—	0	11
Bere seed, firlo,	1	16	0	—	0	2
Bere, peck,	0	10	0	—	0	0
Brandy, tree of 20 pints,	20	0	0	—	1	13
Bun, wheaten,	0	6	0	—	0	0
Blankets, pair,	1	16	0	—	0	3
Blanket, per yard,	0	8	0	—	0	0
Boots, per pair, man servant's,	0	15	0	—	0	1
Buttons, per dozen, from 3d. to 1s. 6d. sterling,	0	18	0	—	0	1
Brocade, cotton, per yard,	1	10	0	—	0	2
Baize, per yard,	4	4	0	—	0	7
Buckram, per yard,	0	12	0	—	0	1
Bowl,	0	11	0	—	0	0
Cheese, per stone,	1	6	6	—	0	2
Cheese, sweet milk, per stone,	2	4	0	—	0	3
Cheese, each of 3,	2	0	0	—	0	3
Cheese, per lb., 2d., 2½d., 3d.,	0	3	0	—	0	0
Cloth, per yard,	3	3	0	—	0	5
Cloth, per yard, blue,	3	6	0	—	0	5
Cloth, per yard,	4	16	0	—	0	8
Cloth, per yard, blue,	5	2	0	—	0	8

	Scots.			Strg.		
	£	s.	d.	£	s.	d.
Cloth, per yard, green,	5	2	0	—	0	8 6
Cloth, English, per eln,	3	0	0	—	0	5 0
Cloth, per eln,	0	16	6	—	0	1 4½
Cloth, broad, drab, per yard,	4	16	0	—	0	8 0
Cloth, broad, per yard,	3	8	0	—	0	5 8
Cloth, per yard,	6	16	0	—	0	11 6
Cloth, drab, per yard,	4	10	0	—	0	7 6
Cloth, tartan, per yard,	1	13	0	—	0	2 9
Cloth, frieze, per yard,	0	16	0	—	0	1 4
Cloak, cloth and mounting,	10	6	0	—	0	17 2
Camlet, per yard,	1	0	0	—	0	1 8
Camlet, per yard,	0	12	6	—	0	1 0½
Cherryderry, per yard,	1	10	0	—	0	2 6
Cloth, striped, mankie,	0	8	0	—	0	0 8
Cravat,	0	5	4	—	0	0 5¼
Cravats, per dozen,	8	8	0	—	0	14 0
Coals, load,	0	6	0	—	0	0 6
Coals, hutch,	0	2	6	—	0	0 2½
Coals, load, at Hurlet heugh,	0	4	0	—	0	0 4
Coat, rough,	2	16	0	—	0	4 8
Flour, per peck,	0	12	3	—	0	1 4
Flour, each of 63 pecks, at	0	14	0	—	0	1 2
Goose, each of 12,	0	12	0	—	0	1 0
Handkerchief, silk,	1	19	0	—	0	3 6
Handkerchief, cotton,	1	12	0	—	0	2 8
Hat, child's,	1	10	0	—	0	2 6
Honey, pint,	0	8	0	—	0	0 8
Ham, per eln,	0	8	0	—	0	0 8
Jug,	0	5	0	—	0	0 5
Knife, hedging,	0	12	0	—	0	1 0
Kersey, per yard,	2	0	0	—	0	3 4
Kersey, per yard,	1	8	0	—	0	2 4
Leather, per lb.,	0	12	0	—	0	1 0
Looping, per yard,	0	6	0	—	0	0 6
Looping, per yard,	1	1	0	—	0	1 9
Linen, per yard,	1	2	0	—	0	1 10
Linen, per yard,	1	1	0	—	0	1 9
Lintseed, half a peck,	0	13	9	—	0	1 1¼
Meal, boll,	6	18	0	—	0	11 6
Meal, peck,	0	8	0	—	0	0 8
Mutton, each of 5 legs,	2	5	0	—	0	3 9
Mutton, each of 8 legs,	1	4	0	—	0	2 0
Mutton, leg,	0	14	0	—	0	1 2
Milk, 97 chopins,	2	14	6	—	0	4 6½
Malt, sack of,	11	12	0	—	0	19 4
Malt, sack of,	10	0	0	—	0	16 8

	SCOTS.			STG.			
	£	s.	d.	£	s.	d.	
Mug,	0	4	0	—	0	0	4
Mohair, two hanks,	0	2	0	—	0	0	2
Mankeg, per yard,	0	12	0	—	0	1	0
Paunches, two,	0	12	0	—	0	1	0
Plaiding, ell,	0	12	0	—	0	1	0
Plaiding, ell,	0	8	0	—	0	0	8
Pea Straw, per stone,	0	2	6	—	0	0	2½
Rice, per lb.,	0	6	0	—	0	0	6
Rum, tree of 20 pints,	20	0	0	—	1	13	4
Rum, gill,	0	4	0	—	0	0	4
Rum, dram,	0	2	6	—	0	0	2½
Shoes, pair men's,	1	16	0	—	0	3	0
Shoes, pair men's,	2	14	0	—	0	4	4
Stockings, pair men's,	1	16	0	—	0	3	0
Stockings, pair,	1	4	0	—	0	2	0
Shoes, men's, pair,	1	16	0	—	0	3	0
Silk, per drop,	0	2	0	—	0	0	2
Silk, per drop,	0	4	0	—	0	0	4
Shalloon, per yard,	0	13	0	—	0	1	1
Shalloon, per yard,	1	0	0	—	0	1	8
Sugar, per lb.,	0	10	0	—	0	0	10
Serge, per yard,	0	14	0	—	0	1	2
Sack,	1	12	0	—	0	2	8
Sack, per mall,	1	10	0	—	0	2	6
Shirt and cravat,	2	8	0	—	0	4	0
Snuff mull, ivory,	1	4	0	—	0	2	0
Spirits, per pint,	1	12	0	—	0	2	8
Spirits, per mutchkin,	1	10	0	—	0	2	6
Steating, yard,	0	10	0	—	0	0	10
Salt, firlo,	1	10	0	—	0	2	6
Salt, boll,	6	10	0	—	0	11	0
Shirting, per yard,	0	8	0	—	0	0	8
Soap, firkin,	15	0	0	—	1	5	0
Thread, ounce,	0	2	6	—	0	0	2½
Thread, ounce,	0	3	0	—	0	0	3
Trenchers, dozen,	1	8	0	—	0	2	4
Trencher, each,	0	14	0	—	0	1	2
Tassels, pair,	1	10	0	—	0	2	6
Tassels, each,	0	15	0	—	0	1	3
Tape, yard,	0	3	0	—	0	0	3
Tea, per pound,	4	4	0	—	0	7	0
Tea, per ounce,	0	6	0	—	0	0	6
Thicksel Cloth, per yard,	4	10	0	—	0	7	6
Tartan, yard,	0	17	0	—	0	1	5
Vest, tailor "making and dyed,"	2	4	0	—	0	3	8
Veal, leg,	1	16	0	—	0	3	0

	Scots.			—	Stg.		
	£	s.	d.		£	s.	d.
Watch,	48	0	0	—	4	0	0
Watch,	60	0	0	—	5	0	0
Wig, white,	2	2	0	—	0	3	6
Water stoup,	0	10	0	—	0	0	10
Whisky, pint,	0	12	0	—	0	1	0

MISCELLANEOUS ARTICLES.

	Scots.			—	Stg.		
	£	s.	d.		£	s.	d.
Axle tree of Cart,	0	18	0	—	0	1	6
Axe,	1	18	0	—	0	3	2
Axe, woodman's,	1	4	0	—	0	2	0
Adze,	1	4	0	—	0	2	0
Augur,	0	12	0	—	0	1	0
Boyne and cog,	0	8	0	—	0	0	8
Cart wheels, pair,	10	0	0	—	0	16	8
Cart wheel,	5	0	0	—	0	8	4
Cart, peat, bodied, with iron shod wheels, ...	18	0	0	—	1	10	0
Cart, with iron axles,	22	4	0	—	1	17	0
Collier's wedge,	0	10	0	—	0	0	10
Cart, saddle, and mounting,	6	0	0	—	0	10	0
Copper pan and copper cauldron, use for a year,	6	0	0	—	0	10	0
Druggist vials, per gross,	6	9	0	—	0	10	9
Diamond, for cutting glass,	6	0	0	—	0	10	0
Hopps, per lb.,	1	8	0	—	0	2	4
Hopps, per lb.,	0	18	0	—	0	1	6
Hair, per lb.,	0	4	0	—	0	0	4
Harrow, stock,	1	4	0	—	0	2	0
Hammer, small,	0	6	0	—	0	0	6
Hewn stones, each of 30 pieces,	6	15	0	—	0	11	3
Iron, per stone,	1	12	0	—	0	2	8
Iron, per stone,	1	14	0	—	0	2	10
Iron, old, per stone,	0	14	0	—	0	1	2
Leather, ben,	0	12	0	—	0	1	0
Loom, weavers',	5	8	0	—	0	9	0
Loom,	3	12	0	—	0	6	0
Lintwheel,	3	12	0	—	0	6	0
Lintwheel spindles, per dozen,	1	12	0	—	0	2	8
Lock for Drawer,	0	8	0	—	0	0	8
Lock and Bands for Chest,	1	0	0	—	0	1	8
Moydoire, Gold, value,	16	4	0	—	1	7	0
Plater,	0	11	0	—	0	0	11
Pot,	1	4	0	—	0	2	0
Plane,	0	12	0	—	0	1	0
Plough and Graith,	12	12	0	—	1	1	0
Rake, garden,	0	12	0	—	0	1	0

	Scots.			Stg.		
	£	s.	d.	£	s.	d.
Roller and Iron frame, garden,	6	18	0	—	0	11 6
Shovel, iron,	1	10	0	—	0	2 6
Swift rods, pair,	0	6	0	—	0	0 6
Saw, bow and finishing,	2	14	0	—	0	4 6
Saw, hand,	0	18	0	—	0	1 6
Saw, cross,	1	16	0	—	0	3 0
Shovel,	1	4	0	—	0	2 0
Spade, garden,	3	12	0	—	0	6 0
Saddle and housing, old,	5	14	0	—	0	9 6
Saddle and Portmanteu, old,	1	10	0	—	0	2 6
Shears, garden, pair,	2	8	0	—	0	4 0





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